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a substitute, to be submitted as a separate proposition.

Mr. ESTABROOK. Before the vote is taken I wish to offer a resolution: Resolved, That the members of the Baker family be tendered the privileges of the floor.[30a]

The resolution was agreed to.

The PRESIDENT pro tempore. The question is on the adoption of the substitute, with the understanding that it be submitted as a separate proposition.

The yeas and nays were demanded.

The secretary proceeded to call the roll.

Mr. WOOLWORTH, when his name was called. I wish to explain my vote. If there was some stringent rule which would stop this great evil, I would favor it, but [I] am not in favor of the measure, therefore, I vote nay.

The president pro tempore announced the result, ayes 31, nays 14, as follows:

YEAS.

Ballard,	Moore,
Boyd,	Myers,
Campbell,	Neligh,
Cassell,	Philpott,
Estabrook,	Reynolds,
Gibbs,	Scofield,
Granger,	Shaff,
Griggs,	Sprague,
Kenaston,	Speice,
Kilburn,	Stewart,
Kirkpatrick,	Thomas,
Lake,	Tisdel,
Lyon,	Towle,
McCann,	Wakeley,
Majors,	Weaver.—31.
Mason,	

NAYS

Abbott,	Robinson,
Eaton,	Stevenson,
Gray,	Thummel,
Hascall,	Vifquain,
Manderson,	Wilson,
Newsom,	Woolworth,
Parchen,	Mr. President.—14

ABSENT OR NOT VOTING.

Curtis,	Maxwell,
Grenell,	Parker,
Hinman,	Price.—7.
Ley,	

So the substitute was adopted.

Mr. KIRKPATRICK. Mr. President, I move that the article be ordered engrossed for a third reading tomorrow, then be sent to the committee on schedule, to be submitted as a separate proposition.

The motion was agreed to.

Mr. ROBINSON. Mr. President. I have a petition.

The secretary read the petition, as follows:

To the president of the constitutional convention of the state of Nebraska.

The undersigned subscribers being resident voters of Saline county, Nebraska, most respectfully petition your honorable body to assign the county of Saline to the first or second judicial district of the state of Nebraska.

August 14, 1871.

Signed by John Cox and 25 others.

Mr. STRICKLAND. Mr. President, I move its reference to the judiciary committee.

The motion was agreed to.

Mr. STRICKLAND. Mr. President, I move we take up the finance article.

The motion was agreed to.

The secretary read as follows:

Section 1. Taxes may be rightfully and equally levied upon the property of the citizen, to insure the protection of life, the security of person,

30a. Illustrative of the naive democracy of frontier hospitality, it is interesting to note that this Baker family were a band of popular itinerant concert singers.—Ed.

property and character, and, to attain these objects, the legislature shall provide such revenue as may be needful by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property; such value to be ascertained by some person or persons to be elected or appointed in such manner as the legislature shall direct, and not otherwise; but the legislature shall have power to tax peddlers auctioneers, brokers, bankers, merchants, commission merchants, showmen, jugglers, innkeepers, grocery keepers, liquor dealers, toll bridges, ferries, insurance, telegraph, and express interests or business, vendors of patents, and persons or corporations owning or using franchises and privileges, in such manner as it shall from time to time direct by general law, uniform as to the class on which it operates.

Sec. 2. This specification of the objects and subjects of taxation shall not deprive the legislature of the power to require other subjects or objects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution.

Sec. 3. The property of the state, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for schools, religious, cemetery, and charitable purposes, the buildings and grounds belonging to, and used by any religious society for religious purposes and to the value of $5,000, may be exempted from taxation; but such exemption shall be only by general law. In the assessment [of] real estate incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property. For the encouragement of agriculture and horticulture the legislature may provide that the increased value of lands by reason of live fences, fruit, and forest trees, grown and cultivated thereon, shall not be taken into account in the assessment of such lands for the purposes of taxation.

Sec. 4. The legislature shall provide in all cases when it may be necessary to sell real estate for the nonpayment of taxes, or special assessments for state, county, municipal, or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county having authority to receive state and county taxes, and there shall be no sale of property for any of said taxes or assessments, but by said officer, upon the order or judgment of some court of record.

Sec. 5. The right of redemption from all sales of real estate for the nonpayment of taxes, or special assessments of any character, whatever, shall exist in favor of owners and persons interested in such real estate for a period of not less than two years from such sales thereof; and the legislature shall provide by law for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: Provided, that occupants shall in all cases be served with personal notice before the time of redemption expires.

Sec. 6. The legislature shall have no power to release or discharge any county, city, township, town, or district, whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

Mr. McCANN. I ask unanimous consent of the convention to make two amendments to this article. I will read them for information. One is,

Sec.—. All bonds issued by any city, county or town after adoption of this constitution sh

registered in the office of the auditor of state.

With regard to that amendment, I desire to say that it is not the same which I understand was submitted to the convention yesterday. This provides for the registering of bonds with the auditor of state, and thereby effectually stops the fraudulent issue of bonds in any city, township or county.

"Object! Object!"

Mr. McCANN. I move that the vote by which this article was ordered engrossed for a third reading be reconsidered.

The ayes and nays being demanded, the secretary called the roll.

The president announced the result, ayes 23, nays 19, as follows:

YEAS.

Abbott,	Price,
Cassell,	Reynolds,
Estabrook,	Robinson,
Granger,	Thomas,
Griggs,	Thummel,
Lake,	Tisdel,
Manderson,	Wakeley,
Myers,	Weaver,
McCann,	Wilson,
Neligh,	Woolworth,
Newsom,	Mr. President.—23
Philpott,	

NAYS.

Ballard,	Lyon,
Boyd,	Stevenson,
Campbell,	Stewart,
Eaton,	Sprague,
Gibbs,	Scofield,
Gray,	Speice,
Hascall	Shaff,
Kenaston,	Towle,
Kilburn,	Vifquain.—19.
Kirkpatrick,	

ABSENT OR NOT VOTING.

Curtis,	Mason,
Grenell,	Maxwell,
Hinman,	Moore,
Ley,	Parker.—10.
Majors,	

So the motion to reconsider was agreed to.

The PRESIDENT. The question now is upon the proposition of the gentleman from Otoe (Mr. McCann).

Mr. McCANN. The object of this provision is simply to provide for the honest discharge of their duties by the authorities of cities and towns. The state, neither directly nor indirectly, becomes responsible for the payment of the bond. But every section by going to the office of the auditor of state can ascertain whether more bonds have been issued than the act provides for.

Mr. BALLARD. Who, sir, is to defray this enormous expense of running to the capital?

Mr. McCANN. I will say that if it were 300 or 400 or 500 miles, the county had better pay for the registering of those bonds, which could be done by letter, with the auditor of the state, than pay $10,000 or $50,000 or $100,000 bonds fraudulently issued.

Mr. GIBBS. Suppose there is a lot of fraudulent bonds issued from my county, will my county be responsible for such issue?

Mr. McCANN I will answer that we distinctly provide that a county cannot be made responsible for such fraudulent issue. I will answer the gentleman from Burt (Mr. Gibbs). If there is an act of the legislature authorizing your county to issue a certain amount of bonds, your county treasurer is supposed to have the law before him when he registers these bonds.

Mr. WOOLWORTH. Suppose the county officers issue bonds which are

registered and the auditor countersigns them, does that have the effect of charging either the county or state with liability? If it does, then I shall vote one way, if it does not, I shall vote another.

Mr. McCANN. I understand this to be the way of it: before any county or city can issue bonds, they must apply to the legislature for power. This power is given them by the legislature, and they are allowed to issue bonds to a certain amount. Now, if they exceed that amount, I call it a fraudulent issue. The fact of the bonds being countersigned and registered certifies to the world that the bonds were issued by authority.

The PRESIDENT pro tempore. The question is upon the adoption of the substitute offered by the gentleman from Otoe (Mr. McCann).

The convention divided and the substitute was not divided [adopted].

Adjournment.

Mr. WOOLWORTH. Mr. President, I move the adjournment of the convention until tomorrow morning at 10 o'clock. It is impossible for the committee on revision and adjustment to get ready to report before that time.

Mr. HASCALL. Mr. President, I move the article be engrossed.

The ayes and nays being demanded, the secretary proceeded to call the roll.

Mr. BALLARD, when his name was called. Mr. President, I vote aye, because I am in favor of the exemption of all church property from taxation.

The president announced the result, yeas 32, nays 13, as follows:

YEAS.

Ballard,	Maxwell,
Campbell,	Moore,
Cassell,	Myers,
Eaton,	Neligh,
Estabrook,	Parchen,
Gibbs,	Price,
Granger,	Reynolds,
Gray,	Shaff,
Griggs,	Sprague,
Kenaston,	Speice,
Kilburn,	Stevenson,
Kirkpatrick,	Stewart,
Lake,	Tisdel,
Lyon,	Towle,
Majors,	Vifquain,
Mason.	Wakeley.—32.

NAYS.

Abbott,	Scofield,
Boyd,	Thummel,
Hascall,	Thomas,
McCann,	Weaver,
Manderson,	Wilson,
Newsom,	Woolworth.—13.
Robinson,	

ABSENT OR NOT VOTING.

Curtis,	Parker,
Grenell,	Philpott,
Hinman,	Mr. President.—7.
Ley,	

So the motion to have the article engrossed was agreed to.

The PRESIDENT. The question is on the motion to adjourn until tomorrow morning at 10 o'clock.

The motion was agreed to.

So the convention, at 6 o'clock and 35 minutes, adjourned.

FORTY-SIXTH DAY.

Thursday, August 17, 1871.

The convention met at 10 o'clock, a. m., and was called to order by the president.

Prayer.

Prayer was offered by the chaplain as follows:

Almighty God, may it please Thee to bless the labors of the day. May

all be done in agreement with the best good of the state, with no purpose but that which is for Thy honor and the welfare of all the people. May the responsible duties of the day be met and done by the workers here. Amen.

Reading of the Journal

The journal of the last day's proceedings was read and approved.

Mr. REYNOLDS. Mr. President, your committee on enrollment and engrossment, to whom was referred the article on inhibition or license, respectfully report that they have examined the same and find it correctly engrossed.

Mr. WOOLWORTH. Mr. President, your committee on revision and adjustment have examined the legislative article and recommend the following corrections:

1. That said article be numbered Article III, and be entitled Legislative Department.

The recommendation was agreed to.

Mr. WOOLWORTH. Strike out "shall be," in first line of first section and insert "is."

Agreed to.

Mr. WOOLWORTH. Strike out "all bills" in the first line of second section and insert "every law."

The amendment was agreed to.

Mr. WOOLWORTH. Strike out "branch" in the seventh line of second section and insert "house."

The amendment was agreed to.

Mr. WOOLWORTH. Insert "shall be" after "nays" in tenth line of said section.

Agreed to.

Mr. WOOLWORTH. Strike out "at the end of" in third and fourth lines of section three.

Agreed to.

Mr. WOOLWORTH. Insert after "until," in fifth line, "the year 1878, inclusive."

Agreed to.

Mr. WOOLWORTH. Strike out "when" in said line.

Agreed to.

Mr. WOOLWORTH. Strike out "their" and insert "its" in eighth line.

Agreed to.

Mr. WOOLWORTH. Strike out "such" and insert "each" in ninth line.

Agreed to.

Mr. WOOLWORTH. Strike out all of section after and including "provided," in eighteenth line.

Insert the following in place of the fourth section.

Sec. 4. In making the appointment for senators each county having three-fifths of the senatorial votes shall be entitled to one senator and be a senatorial district. Each county entitled to one or more senators, and having a surplus of three-fifths of such votes, shall be entitled to an additional senator therefor. Contiguous counties, no one of which has three-fifths of the senatorial ratio, shall be formed into districts containing respectively, as nearly as practicable, the full ratio, and not less than three-fifths thereof.

The amendment was agreed to.

In place of section 5 insert the following:

Sec. 5. Representatives shall be chosen by districts of convenient contiguous territory, as compact as may be, to be defined by law. Each county having three-fifths of the ratio shall be entitled to one representative. Each county having a surplus of

three-fifths of the ratio shall be entitled to one additional representative. A county having less than three-fifths of the ratio shall be joined with one or more like counties to form a representive district, containing as nearly as practible the full ratio, and not less than three-fifths thereof; and no county therein shall be included in any other representative district; but no county shall be divided for the purpose of attaching a part thereof to another county, in forming such representative district.

The amendment was adopted.

Insert the following as a new section:

Sec. 6. The house of representatives shall consist of fifty-seven members, and the first senate shall consist of nineteen members. After the first election the number of members of each house shall be regulated by law, but the number of representatives shall never exceed one hundred, nor that of senators thirty-three. Until the year 1871 representatives shall be chosen for one year, and thereafter for two years. Senators shall be elected in the year 1871 for one year and thereafter for two years.

The amendment was adopted.

Mr. GRAY. Mr. President, I desire to offer a resolution.

The secretary read the resolution as follows:

"Resolved, That the privileges of the floor are hereby extended to the Honorable E. H. Rogers, of Fremont.

The resolution was agreed to.

Leave of Absence

Mr. PARCHEN. Mr. President, I ask to be excused from further attendance upon this convention.

Leave granted.

Report of the Committee on Revision and Adjustment, Again.

Mr. WOOLWORTH. All the provisions of section 20 are incorporated in other sections of the article, so that section will be stricken out when we come to it. I will say that other corrections which have been made are merely verbal, except to strike out certain sections which have been incorporated in other portions of the constitution.

The PRESIDENT. The question is upon the adoption of the amendments suggested by the committee on revision and adjustment.

The amendments were agreed to.

Mr. WOOLWORTH. To insert in the thirty-second section, before the word manner, the word in.

The amendment was agreed to.

Mr. WOOLWORTH. In the fifth line of the thirty-third section to insert the word of before the word laws; and in the fourteenth and fifteenth lines to change the word disapprove to "disapproves."

The amendment was agreed to.

Mr. WOOLWORTH. Your committee have examined the executive article and report as follows: That it be entitled "Executive Department" and numbered article IV.

The report was adopted.

Mr. WOOLWORTH. It is proposed to insert the word last in the third line.

The amendment was agreed to.

Mr. WOOLWORTH. Amend section 6 by striking out the word three, in the fifth line and insert "two;" and insert the word of before the words "this state," at the end of the section.

The amendment was agreed to.

Mr. WOOLWORTH. In the eleventh line of the eleventh section, to strike out "shall be" and insert the word is, and in the thirteenth line to insert the word all before the words "the senators."

The amendment was agreed to.

Mr. WOOLWORTH. In the second line of the thirteenth section, to insert the word the before the word power; and in the twenty-first line of the same section to insert the word shall in place of may.

The amendment was agreed to.

Mr. WOOLWORTH. To insert in the fourteenth section the words "and navy forces" after the word military.

The amendment was agreed to.

Mr. WOOLWORTH. To insert at the end of section 16 the words "and every order, resolution or vote in which the concurrence of both houses shall be necessary."

The amendment was agreed to.

Mr. WOOLWORTH. To amend the eighteenth section by striking out the last sentence.

The amendment was agreed to.

Mr. WOOLWORTH. In section 21 insert in fifteenth line "provided" for "prescribed."

Agreed to.

Mr. WOOLWORTH. In section 24 strike out "public" in twenty-seventh line, before "buildings" and insert "public" before "lands."

Mr. WOOLWORTH. In seventeenth line of twenty-fifth section strike out "with fidelity."

Agreed to.

Mr. WOOLWORTH. Strike out "said" in forty-second line of twenty-sixth section.

Agreed to.

Mr. THOMAS. Mr. President, your committee on revision and adjustment would report that they have carefully examined the article entitled "The Judicial Department," and recommend the following corrections, to-wit:

In second line of section 1 strike out "one" and insert "A."

Agreed to.

Mr. THOMAS. In the sixth line of section 10 strike out the word and.

Agreed to.

Mr. THOMAS. In the eighth line of the fifth subdivision of section 10 strike out the word judicial.

Agreed to.

Mr. THOMAS. In section 11, line nine, change "bounds" to "boundaries." In twelfth line, after the word members, insert "elected to."

Agreed to.

Mr. THOMAS. In first line of section 12 insert at beginning the word the.

Agreed to.

Mr. THOMAS. Strike out section 27 and add the following to section 14: "Nor shall any salary or other compensation be paid by the state to any county judge."

Agreed to.

Mr. THOMAS. In section 16, after the word of, in twelfth line, insert "not less than."

Agreed to.

Mr. THOMAS. In twelfth line strike out "and upwards."

Agreed to.

Mr. THOMAS. In fifteenth line strike out "to sell real estate" and insert "in sales of real."

Agreed to.

Mr. THOMAS. In sixteenth line strike out "in sales of real estate."

Agreed to.

Mr. THOMAS. In section 18, lines thirteen and fourteen, strike out the words "cause involving the title to real estate" and insert "matter wherein the title or boundaries of land may be in dispute."

Agreed to.

Mr. THOMAS. In section 21, line seventeen, after the word legislature, insert the words "at each regular session," and before the word legislature strike out "rest."

Agreed to.

Mr. THOMAS. In section 23 change the word annual to "general."

Agreed to.

Report of Printing Committee.

Mr. CAMPBELL. The committee on printing desire to make the following report.

The secretary read the report, as follows:

Mr. President, your committee on printing and binding, to whom was referred the resolution relating to the printing and distribution of the constitution, most respectfully report the following for the consideration of the convention.

J. C. CAMPBELL,
Chairman.

Resolved, That the secretary of state be directed to have printed forthwith, in pamphlet form, 15,000 copies of the address and constitution in the English language, and 3,000 copies of the same in the German language; and that they be expressed, in equal numbers, at the public expense, to the members of the convention.

2. Resolved, That the secretary of state be instructed to furnish to each weekly newspaper in the state, at the earliest practicable moment, two printed copies of the address and constitution for publication, to be paid for out of an appropriation to be made by the first legislature that shall convene under this constitution. Provided, That no paper shall receive more than twenty-five dollars for the same.

3. Resolved, That the secretary of this convention be, and is hereby authorized to prepare a copy of the journal of proceedings of this convention and an index of the same for publication, at a cost not exceeding three hundred dollars; and that he is hereby charged with the revision and proof reading of the same, for which he shall receive the sum of three hundred dollars [$3] per day.

4. Resolved, That the secretary of state be, and he is hereby, authorized to advertise for bids for the publication of the journal and debates of this convention for four consecutive weeks; and that he be, and is hereby required to contract with the lowest bidder for doing said work.

5. Resolved, That one of the reporters of this convention be, and is hereby authorized to prepare an index to the debates of this body to be published therewith, and that he be allowed a sum not exceeding—— dollars for the same, and that he shall be charged with the revision and proof reading of said debates and index, for which he shall receive the sum of three hundred dollars [$3] per day.

6. Resolved, That when the journal and debates of this convention shall be published, that the secretary of state shall cause to be forwarded to each member of this convention two copies of each.

Mr. HASCALL. I move that the report be referred to the committee of the whole.

Mr. WILSON. I move we resolve ourselves into committee of the

whole for the consideration of that report.

Petition

Mr. ESTABROOK. I have a memorial I would like to offer.

The secretary read the memorial, as follows:

To the honorable, the constitutional convention of Nebraska, now in session:

Your memoralists, the State Teachers' Association of Nebraska, believing that the public welfare is intimately connected with the successful conduct of the public school system of the state, and believing that the great object of that system is the training of the children of the state for the exercise of the privileges and the performance of the duties of citizenship; and, whereas, the manner in which the apportionment of school money will affect the public interests in proportion as it secures the education of youth, and not in proportion to the number of dollars and cents apportioned to each pupil for that object; and, whereas, there is no county in the state in which there are not school districts that will be obliged to abandon their organization from an inability to sustain a school if the apportionment be based on the number of youth enumerated. Therefore,

We, your memoralists, respectfully and earnestly pray that the convention will not incorporate into the constitution to be submitted to the people any clause that will so determine the specific mode of distributing the school money; that the legislature shall not [?] have power to make any adjustment that experience shall prove to be for the best interests of the state and the cause of education. And your memoralists will, in duty bound, ever pray.

J. J. McKENZIE,
President.
A. M. GHOST,
Secretary.

Mr. CAMPBELL. I move that the memorial be referred to the committee on schools.

The motion was agreed to.

Resolution

Mr. KIRKPATRICK. I have a resolution I wish to offer.

The secretary read the resolution, as follows:

Resolved, That the chairmen of the committees of this convention ought to return to the convention all petitions, memorials and propositions to amend the constitution that have been referred to them, to the secretary of the convention, and deposited in the office of the secretary of state.[31]

Mr. KIRKPATRICK. The people have spoken to this convention and expressed their views with regard to constitutional methods, by the petitions, memorials and resolutions; and I think they ought to be returned and deposited as my resolution demands.

Mr. EATON. Those memorials will be of no use. They will all appear in the journal when published.

Mr. HASCALL. I hope this will not be adopted. In the first place, there is a record kept by the secretaries of the substance of them, and where parties introduced resolutions they are in full, and besides, the reporters have them both in full.

The resolution was agreed to.

Report From Revision Committee

Mr. WOOLWORTH. Mr. President, your committee on revision have examined the article on Rights

31. Why the many unintelligible communications to the convention, such as this one, were not revised, then and there, seems inexplicable. The mover of the resolution probably intended that it should direct the chairmen of committees to return the papers in question to the secretary of the convention, to be by him deposited in the office of the secretary of state.—Ed.

of Suffrage, and recommend as follows:

1. That said article be numbered VI, and be entitled "Rights of Suffrage"

2. In the fourth line of section one strike out "and" before "ward," and insert "or" and insert "and" before 'precinct."

3. Amend section 2, so that it will read, as follows

No person shall be qualified to vote who is or shall be under guardianship, non compos mentis, or convicted of treason or felony under the laws of this state or of the United States, unless restored to civil rights.

4 Insert the word or before "of this state," in the fourth line of the third section, and strike out of said section at the end thereof, the words "or in the military or naval service of the United States"

The amendment was agreed to

Motion to Reconsider

Mr WAKELEY On yesterday the gentleman from Otoe moved to reconsider the vote by which the article on municipal corporations was adopted, for certain purposes which he named, and I move the motion be now considered

The PRESIDENT Will the gentleman from Pawnee (Mr Stewart) take the chair

The PRESIDENT pro tempore The question now before the convention is the motion to reconsider the vote by which the article on railroad corporations was ordered engrossed for its third reading.

Mr BALLARD Mr President, before that is put I wish to know the object of it

Mr MASON The gentleman will turn to the second section of the article I propose to amend by striking out the words "shall be considered personal property and."

The PRESIDENT pro tempore. The clause can be stricken out by unanimous consent.

Consent given and words "shall be considered personal property and," in the second line of the second section, were stricken out.

Mr. MASON. Mr. President, there is another section in this article in respect to which I have some serious doubts as to the propriety of allowing it to remain I move to strike out the words 'or by authority of the general government," in the second line of the first section I desire to say that this amendment will relieve this section of what may be an unwarrantable attempt to interfere with what may be considered to be the agent of the general government the Union Pacific railroad There is no disposition on my part to relieve any corporation of its liabilities in the way of taxes, or any other way but I do not want to write myself down in this article an ignoramus or an ass

Mr BOYD Mr President, I wish to amend section 3 so that it will not require that a majority of the directors of railroad corporations shall reside in this state. I think this provision will have the effect of keeping capital out of the state

The PRESIDENT pro tempore This cannot be entertained without unanimous consent

Mr BOYD Mr President, I move a reconsideration of the vote by which this bill was engrossed

Mr ROBINSON I hope this amendment will carry and the mo-

The CHAIRMAN. The section in the article on municipal corporations, which is to be considered, reads as follows:

Every municipal, and every county officer, paid in whole or in part by fees, shall be required to make report semiannually, under oath, to some officer to be designated by law, of all their fees and emoluments; and such fees and emoluments, exclusive of necessary clerk hire, shall not, in any one year, exceed the sum of $2,500, and all excess over that sum shall be paid into the treasury of the county or city in which such officer shall reside.

Mr. ROBINSON. Mr. Chairman, I offer a substitute for the section.

The chairman read the proposed substitute, as follows:

In all cases where fees are required to be paid [to] county and municipal officers as compensation for their services, no other compensation shall be allowed to said officers, but the legislature shall, at its first regular session after the adoption of this constitution, fix by general law a maximum to be allowed such officers in fees, and which shall not be changed during their term of office, and require the excess to be paid quarterly into the county treasury.

Mr. ROBINSON. Mr. Chairman, I have some reasons, which I would like to give, for thinking that the substitute is better than the section read. This substitute proposes that the legislature shall fix a maximum salary for these officers; it provides that this salary shall not be changed during their term of office. Now the section provides that they shall not be paid over $2,500 a year, exclusive of clerk hire. It seems to me that if a county official desires to dodge that point he can claim that he pays out a larger amount for clerk hire than he really does. Then, again, the county clerk of Douglas county will undoubtedly require a larger salary than the clerk of Lancaster county. The salaries of these officials must be fixed by some sort of sliding scale.

Mr. THOMAS. Mr. Chairman, for my part I am perfectly satisfied with the substitute, but I think it is quite evident that we need some such provision in our constitution

Mr. HASCALL. Mr. Chairman, I hope the substitute will be accepted. The business done in the different counties varies; in some it is absolutely necessary to have a clerk hired; in others it is not.

Mr. MAXWELL. I think the substitute is as good as the original report of the committee. That says that he must make a sworn report, and that sum, including the necessary clerk hire, must not exceed $2,500.00. I am sure that some of these offices are very lucrative. In some counties they are worth from $5,000 to $6,000. I say we ought to fix a maximum, and if $2,500 is not enough, let us fix it to what it ought to be.

Mr. GRIGGS. Mr. Chairman, I like the substitute better than the report of the committee. I think we ought to leave this in the hands of the legislature, and not try to fix a maximum here.

Mr. BOYD. Mr. Chairman, I would like to hear the substitute read again.

The chairman read the substitute as follows:

In all cases where fees are required to be paid to county or municipal officers as compensation for their services, no other compensation shall be allowed to said officers, but the legislature shall, at its first regular session after the adoption of this constitution, fix, by general law, the maximum to be allowed to said officers in fees and which shall not be changed during their term of office, and require the excess to be paid quarterly into the county treasury.

Mr GIBBS Mr Chairman, that would be hardly fair for the county clerks in some small counties, where they have but little to do. They should have a salary It is $400 now

Mr MOORE Mr. Chairman, I thing this is perfect nonsense I see no reason why we should continue to legislate for the legislatures of the next twenty years

Mr GRIGGS Mr Chairman, I would like to ask the committee the privilege of reading from the Omaha Bee

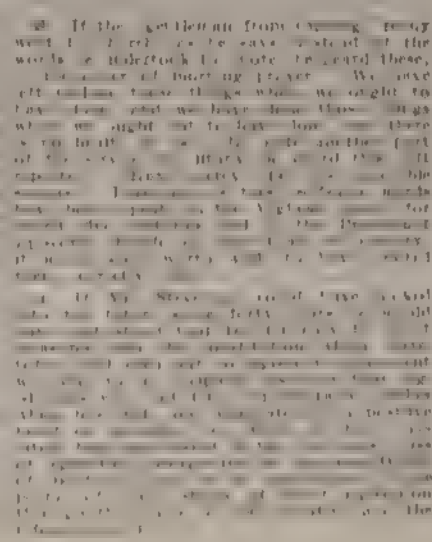
The constitutional convention should remember that the world is often governed too much Any attempt to interfere with the privilege of the people to legislate for themselves through representatives as exigencies may from time to time arise will meet with rebuke at the ballot box which threatens seriously to destroy the entire constitutional fabric spun and woven at such great expenditure of time money, and abovedal invaluable brains"

The CHAIRMAN The question is on the substitute

The substitute was not agreed to

The CHAIRMAN The question is on the adoption of the report of the committee

Mr STEVENSON Mr Chairman I was at church last Sunday, and during service heard this read "We have done those things which we ought not to do, and left undone those things which we ought to have done, and there is no help in us. Have mercy upon our souls, miserable offenders" So I think, Mr Chairman, it will be when this constitution goes out there will be a great many things which we ought to have done and a great many things which we ought not to have done, and we will have to cry for mercy I do not want to see any of these things go into the body of this constitution which can be left to the legislature just as well as not They have complete power, as I understand it to provide laws regulating these fees and salaries for county officers, and why not leave it with them? Most assuredly they can do it just as well as this convention, and I think it is a new wrinkle entirely to place this limit in the organic law



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Mr. SCOFIELD. Mr. Chairman, I move that when the committee rise it report the article back to the convention, with the recommendation that it be indefinitely postponed.

The motion was agreed to.

The CHAIRMAN. The committee now have under consideration the report of the committee on printing and binding.

The secretary read the first section as follows:

Section 1. Resolved, That the secretary of state be directed to have printed forthwith, in pamphlet form, 15,000 copies of the address and constitution in the English language, and 3,000 copies of the same in the German language; and that they be expressed in equal numbers, at the public expense, to the members of the convention.

Mr. STEVENSON. I move to amend by inserting 3,000 in Danish, and 3,000 in Bohemian. I will state, in support of this amendment, that if we are to provide for the publication of copies of this constitution in any form, we should provide for it in all foreign languages represented in the state. As far as I am concerned, I would rather have only one language, but if we have German we should treat all alike.

Mr. CAMPBELL. The reason the committee did not provide for other than German was because there was a small portion of the other languages represented.

Mr. STEVENSON. That may be so down near Nebraska City, but north of the Platte there are large numbers of Bohemians who probably cannot read a word of English, and it is the same with the Swedes. We ought to serve all alike.

Mr. HASCALL. In the ward in which I live there are at least 100 Bohemian voters, and we have a Bohemian paper in the state. There is also a large number of Scandinavians, and they have a paper. I think we should publish in the English, German, Bohemian, and Scandinavian, too. It will be money well spent.

Mr. STRICKLAND. Does the resolution provide for the publication in different languages in the different papers?

The CHAIRMAN. I suppose that includes the different languages. It says "the weeklies."

Mr. GRAY. I move to strike out the first resolution.

The CHAIRMAN. I must take the amendment of the gentleman from Cuming (Mr. Stevenson) first. I rule you cannot make a motion to strike out.

Mr. GRAY. This state is not able to print so much as is proposed by these several resolutions, and it is able to publish two or three times in every weekly paper in the state, which will give very thorough information throughout the state, as to what the constitution is. There are some German papers, and a Scandinavian, which circulate very generally. If published in pamphlet form the circulation will be defective. I hope this resolution will be defeated. Upon this question of order, I read rule 26.

No. 26. A motion to strike out the proposition shall have precedence of a motion to amend, and if carried shall be deemed equivalent to its rejection.

The CHAIRMAN The gentleman reads the rule correctly

Mr. STEVENSON I hope that motion will not prevail If any section is to be stricken out let it be that one which compels us to publish the constitution in the newspapers The pamphlets will be of the greatest use

Mr BALLARD. I wish some wise man would figure up what amount of expense we are about to incur I think quoting the gentleman from Douglas (Mr Estabrook), 'There is a good deal of clothesline for a very small wash." (Laughter.) I shall vote against the whole thing in its present form

Mr CAMPBELL I should like to know how the gentleman proposes to publish it, if he votes against the whole thing It will take about $500 or $1,000 to publish the pamphlets

Mr ABBOTT. I would like to ask the gentleman from Otoe (Mr Campbell) how much it will cost to publish these pamphlets

Mr CAMPBELL. Eight hundred or a thousand dollars

Mr ABBOTT How much will it cost to publish in the newspapers?

Mr GRAY Something over $900

Mr. ESTABROOK. It seems to me it would be difficult to secure the translation of this constitution before the time it should be submitted to the people Now I am in favor of having it printed in but one language, and that is what I call "the American language I will take occasion to say right here that I am opposed to publishing any of our laws in anything but the American language When a man comes here from a foreign country he expects to obey our laws, and, with the facilities we have in this country for learning the language, he can soon learn to read the laws, and if he is not willing to take the pains to do this, let him go without the knowledge. I believe, too that those papers whose circulation throughout the state amounts to anything have a sufficent amount of enterprise to prompt them to publish the constitution entire or a synopsis of it, at least, as a matter of news

Mr GRAY. How will they get it?

Mr ESTABROOK Let them get it from "Bobster" (Omaha Herald correspondent). Why, you can't keep it from them, you can hardly hold a caucus without having the ear of a newspaper reporter at the key-hole. I will undertake to say that every paper in the state can get it if they want it What do you expect to do with 15 000 copies of the constitution? It would give one to every family in the state If the members of this convention are not ashamed of their work, they will give free and full information regarding this matter all over the state I am in favor of publishing the constitution simply in pamphlet form, and let the lowest bidder for the job, get it If you employ some one to translate it in the different languages you will find that you will have to wait a long time be-

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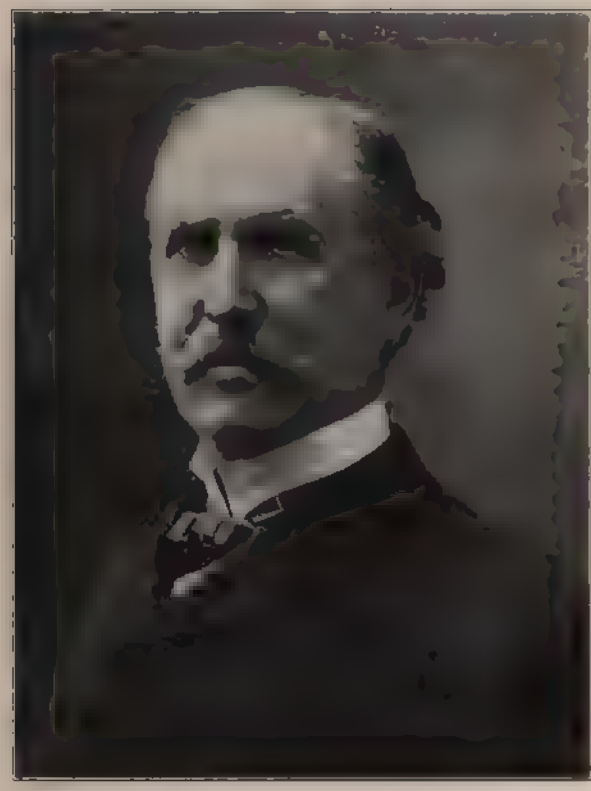

JOHN LEE WEBSTER.

PRESIDENT NEBRASKA CONSTITUTIONAL CONVENTION OF 1875.

John Lee Webster, lawyer, Omaha, Neb., was born March 18, 1847, [illegible] Perrysburg, Ohio, settled in Omaha in 1869 and began the practice of law, member of the Nebraska state legislature from Douglas county 1872, president of Nebraska constitutional convention in 1875, [illegible] republican in politics and active party affairs, elected chairman of the state delegation to the republican national convention, which nominated Grant and Harrison for president and vice-president, and also chairman of the state delegation to the republican national convention in 1880, when he was a prominent candidate before the republican national convention for nomination as president of the United States.

OFFICIAL REPORT

OF THE

Debates and Proceedings

IN THE

NEBRASKA CONSTITUTIONAL CONVENTION

ASSEMBLED IN LINCOLN, JUNE THIRTEENTH, 1871, CONCLUDED; THE JOURNALS OF THE CONVENTION OF 1875; A HISTORY OF THE ATTEMPT TO FORM A STATE ORGANIZATION IN 1860, OF THE ABORTIVE CONSTITUTIONAL CONVENTION OF 1864, OF THE FORMATION AND ADOPTION OF THE CONSTITUTION OF 1866, AND OF THE ORIGIN OF THE CONVENTIONS OF 1871 AND 1875.

VOLUME III

Revised and edited by

ALBERT WATKINS

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NEBRASKA CONSTITUTIONAL CONVENTION OF 1871.

VOL. III

FORTIETH DAY.

Thursday, August 10, 1871.

The convention met at eight o'clock, and was called to order by the president.

Prayer.

Prayer was offered by the chaplain, as follows:

O, Thou who art the source of all wisdom, may it please Thee to guide the convention today, and teach us to teach all men to study Thy holy will; that the best government possible may be instituted and established, and enjoyed everywhere. Amen.

Leave of Absence.

Mr. GRIGGS. I ask leave of absence for Mr. Price until tomorrow morning.

Leave granted.

President Pro Tem.

The PRESIDENT. Will the gentleman from Douglas, (Mr. Hascall) please take the chair for a little while.

Reading of the Journal.

The secretary read the journal of the last day's pro.eedings.

Mr. MYERS. Mr. President. I move the convention proceed to the further consideration of the Legislative Article.

The motion was agreed to.

So the convention proceeded to the consideration of the Legislative Article, with Mr. Hascall in the chair.

Mr. STRICKLAND. Mr. President. I suppose this subject will be resumed from where it was left last night, at which time we were considering an amendment offered by yourself, and also an amendment offered by the gentleman from Douglas (Mr. Wakeley) relative to the insertion of the words "single" before the word "districts." I protest against the single representative districts, I remember that, a few days ago it was proposed to divide this state into three grand divisions for the purpose of electing judges of the supreme court. The gentleman from Douglas (Mr. Wakeley) was exceedingly nervous at that time. I remember the gentleman who moved this proposition appeared more nervous at that time than upon any other occasion. Why was it? His argument was this, that he wanted to have the whole state at large to select these three men, because no part of the state afforded three men of sufficient ability for this place. It was not very flattering, considering the many men of ability in the state. If the argument used was good in that case it is good now. Now, sir, I protest in the name of the good people of Douglas county, and I bring up an example. There are of the representatives upon this floor from that county four gentlemen here from one little ward of the city of Omaha. Why? Simply because the people of that county wanted such men to represent them. Aye,

sir, they ignored politics for this purpose. If you had this single district system, you would be denied the presence and aid of three of these men. If you adopt this system, one man, a political trickster, may work up a neighborhood and get the nomination while a good man in the county would remain at home. Look you, Mr. President, at the election in Douglas county last fall. I see a gentleman here, Col. Myers, from that county who steadily refused to be nominated to represent the people, and I do know that the city of Omaha and the entire country demanded his services, as it did yours, Mr. President. I am proud to say that although I had never seen his face before he was nominated, that I was one of the delegates who made that nomination. How was my friend Gen'l Manderson nominated for this convention? He refused to be a candidate and yet the people nominated him unanimously, and he is here today for what he is worth, and the county is proud of him as a representative. Another instance, my friend Mr. Estabrook lived up in a ward of our city where people obtained a prejudice against him on account of some conduct of his in reference to taxes and sidewalks, and they cried mad-dog, but the old General held up his head and snuffed the breeze from afar, stood on his rights and bid defiance, and he is here, was nominated by acclamation.

Mr. MYERS. By both conventions.

Mr. STRICKLAND. Now, I do protest to tying the election down to the single district system. Why, in giving this you will simply give us a just principle, the high privilege of the elector to say I will select any representative I want. I will support A, B or C if I like if he lives in the county. Does their living in another ward affect their ability and usefulness, simply because they don't live in Falkinsville or Jones' Corner are you going to say we shall not vote for them? Why, that will deprive many counties and the state of some of our very best men. You cut a county right in two and just on one side of the line lives two of the best men in the county, but you cannot take one of them, you must leave him and go over into the next nook or corner where perhaps there is not a man who can represent the interests of the county, or who would be the choice of the people. You must go there where you must exercise a Hopkins choice. Of course if you take a large city like Cincinnati, for instance, where each ward has its local interests and represents thousands of people, there you might have the single district system, and the man from there would represent the interests of its thousands. But where are the thousands in a single ward of any city in this state? You can't find it. As we progress in years in this young state we gain in general intelligence and higher order of ability; we find the number of our representatives have been increasing every year in talent, respectability and brain. Now, is it wise for any county to deprive itself of the very best ability that they have to follow this principle? We want the people of the whole county to choose their representatives that your leg-

islature may no longer be weak or corrupt. Why, what would you do with the man who comes up from a single district, where he has gained foot hold, and can bid defiance to the people of the district for any misuse of his representative authority? He does as he pleases, and you cannot help yourself. But, now, let a representative from Richardson, Douglas, Otoe or any of these counties misbehave himself in any way whatever and he brings the veto of the entire county upon himself, and he hunts his retirement forever. It will not do to say that this is a step towards minority representation and that it is fair. It is unfair. The gentleman will remember that two years ago, the representative we sent here was a democrat, elected and sent by a county having a republican majority of 200 votes. Why was it done? He was a good man, and commanded the support of the county. I can see Mr. President, how this will work, that is, how there will be a struggle in our county. In all parties there are men who make it their business to form rings for the election of county and state officers. Now, we go to work and take this city of ours and cut it up into small districts. A small politician goes to work and endeavors to secure his nomination as a representative of said county when, probably, he is neither the choice of the ward nor a fourth of the intelligent voters of the county; having neither ability nor integrity to represent, creditably, an intelligent constituency. I submit, Mr. President, this simple proposition. If the counties, most of them sparsely settled in this new state, are not small enough, for representative districts, without cutting them up into still smaller sections, thereby depriving the electors of the whole county of the privilege of having the county as an entirety from which to select the best material in men to represent them. Why bind and tie the hands of the electors of the various counties to this most impracticable system of single districts when we know it would work adversely to the interests of every county in the state and the state at large?

Mr. WAKELEY. Mr. President. As I had the honor of offering the amendment under consideration, and as it seems to have been attacked with unusual force—my eloquent and distinguished friend coming down from the president's chair to use his voice upon this floor to oppose it, it may be expected that I will say a few words in reply to his argument against it. In the first place he thinks it strange, that I who stood upon this floor to claim that in selecting judges for the high tribunal of the supreme court of this state, localities should be ignored,—that I am in favor of constituencies being represented in the legislature by local members. Sir, I am amazed that a gentleman who belongs to the same profession as I do, can, for one moment, confound the qualifications of judges; the principles upon which judges are elected, and with the qualifications of local representatives, and the principles upon which they are elected. For what purpose do you elect a representative to come here and legislate? Sir, you elect him to represent your views. He is

elected to reflect the political, local or other views of the counstituents who send him. In electing judges of the supreme court do you chose them to reflect any party views? to defend any local interest? God forbid. You chose them, sir, on the principle that they must come here forgetting localities, forgetting party and personal interests, and disregarding everything but the law which they are sworn to interpret truly. Now, sir, I discard the comparison as unworthy of one moment's reflection. The gentleman refers to the county of Douglas where he and I reside. He appeals to the history of party action in that county, and the results of it in sending representatives upon this floor. I accept the illustration. I go back only six months in the political history of this state, and call to the attention of gentlemen upon this floor, that, by this very system of electing all the representatives from the entire county, upon one ticket; in consequence of this system certain gentlemen set themselves to work in that city, and, by manipulating the wards, and electing ward delegations to a county convention, and I do not hesitate to say, by the most unscrupulous and disgraceful transactions that have marked the history of political parties in this state, they succeeded in sending an unbroken delegation from that county in favor of one man for the high office of United States senator. Mr. President, you had the honor, and my colleague, Mr. Myers, had the honor, to be nominated by that convention, and elected by the people; and, in any thing I say, I hope it will not be understood that I reflect upon any single member sent here on that occasion. Far from it. They succeeded in sending able and experienced men here,—men who acquitted themselves well, and did the special duty for which they were elected, and supported their candidate to the utmost. Take the illustration. Had the eight members who represented Douglas county been elected by districts, does it follow that there would have been an unbroken delegation in behalf of one candidate from Douglas county? I think not, sir. By figuring and engineering, a majority in a political convention may dictate a delegation for the entire county; the delegation so elected will ignore the views of a respectable and large minority. It is that very mischief I would remedy in part by the single district system. Let me not be misunderstood. I believe the true remedy for the evil, we are seeking to reach, is cumulative voting, or minority representation. I believe, if the county of Douglas shall be allowed three senators under the coming apportionment, I believe it should be divided into three senatorial districts; I believe each of those districts should be entitled to elect three members to the legislature, and I believe a minority should be able to elect one man. But, I see no prospect that that system will meet the favor and approval of this convention. It is a thing far in the future. If adopted at all, it is to be by the direct action of the people. But, as an approach to giving the various portions of an entire county their due voice in the legis-

lation of the state, I would seek to make single districts, and bring the representative nearer to his constituents, than he is under the present system. Is this an untried system? No. It is in force in New York, and has been for many years; it has been in force in Wisconsin twenty years; it is in force in Michigan and has been for a long time; and is in force in many other states in this union; and I have never heard that it was objected to where it was tried. I think the people, everywhere, are glad to have the opportunity of electing a representative from their immediate vicinity; and I see no objection to it in principle. It is not an answer to say that you will get better men if you have the entire county to choose from. That may be theoretically so. But, practically, I do not think it is so. I say to my colleague (Mr. Strickland) he may divide Douglas county into six, eight or ten districts, and there will not be a single district which will not contain men of both political parties, and all shades of political opinion, able, fit and capable to represent their constituents. I say there is not a ward in the city of Omaha, which has not residents of both political parties who would do honor to their constituents upon this floor. While I would prefer a system by which these representatives could be spread over somewhat larger area, and the rights of all parties, majorities and minorities represented, I think that the principle of single districts is an approximation to justice. It is, Mr. President, but an arbitrary and artificial system, under which Douglas county electing their senators is made one entire representative district. I say it is unphilosophic, unjust, and unfair, unless we adopt a principle by which any number of voters within the county, equal to the number which sends a representative to this floor, shall have the privilege of voting for and electing one man. Give us that system, and I care not how large you make your districts; because you put it in the power of localities to enforce justice in their representative. I do not care to protract this argument. I have thrown out these views hurriedly. I have stated, in the main, my position upon this question. I believe that, taking it as practically settled, that minority representation will not be secured, electing one representative from a district containing a population which entitles it to a representative, will come nearest to doing justice.

Mr. MANDERSON. Mr. President. I rise more for the purpose, perhaps, of explaining the vote I propose to give upon this subject than to make an argument. I sat here a few evenings since and listened with much pleasure to the able argument of my colleague from Douglas (Mr. Wakeley) upon the subject of minority representation. Previous to listening to his able speech, I read that portion of the debates of the Illinois constitutional convention, having reference to this subject, and read with considerable interest the report of the minority on the subject of proportional representation, and the more I thought upon the subject, the more I was impressed with the

justice of the principle advocated by the minority. I thought that most potent and excellent reasons were presented by my friend and colleague in favor of that rule, and I announce myself here as a convert to that principle. I believe it to be correct. I believe it to be democratic. I believe it to be in strict concordance with the spirit of our republican institutions, and I am forced to this conclusion, Mr. President, by this fact as much as by any other. Looking back over the history of our country I find this remarkable position of things; that while claiming that majorities should rule, majorities have not ruled, that the fact is that the majority of Presidents of the United States, I think I do not exceed the estimate, when I say two-thirds of the gentlemen elected to that high office, have been placed in the White House by minorities; frequently one-third of the voting population of the United States have succeeded in electing a president in opposition to the wishes of two-thirds of the voters of the United States, and I believe, sir, that minority representation, where it can be applied—I believe it can be applied in the electoral college of the United States, that it would remedy very largely this evil. But I do not propose to make any argument upon the subject. I made up my mind that when the question of minority representation came to be voted upon here, that doing to others as I would have others do to me, I would vote for it. I made up my mind I would vote to submit it as a separate proposition to be voted upon by the people of this state, and to my surprise I find that the strongest advocates of this measure, the advocates of this great principle, the Christs' who have gone forth to make converts, have deserted that great fundamental principle. I do not like it. I want to vote for it. I want the people of this state, as the people of Illinois, to pass upon that question; and how fruitless it would be for them to adopt the principle of minority representation, if you make no place for them to apply that great principle. Where can they apply it? Suppose the people of the state of Nebraska wished to apply this principle, how could they?

Mr. WAKELEY. I propose, Mr. President, that when the people vote upon minority representation it should be accompanied with the proposition that each senatorial district shall elect three members. This is a minority principle. I do not abandon the principle.

Mr. MANDERSON. Then the gentleman proposes to strike a deathblow to the single district idea. Suppose we adopt Mr. Hascall's amendment or Judge Wakeley's, it leaves us the single district system, pure and unadulterated. If the people should vote upon minority representation where can they apply it? They cannot apply it to the board of county commissioners, if we retain that board, because that, we have decreed, shall be a continuing board. They cannot apply it to the supreme judges of the state, neither the board of three, because we have decreed that shall be a continuing bench, and one elected for six years. How can you apply the principle, when but one

man is to be elected? Now, I propose to vote against this single distrist system. If the gentlemen will prepare a section that shall incorporate within it some proper minority representation idea, I will vote for it, but I will vote against the single district system because I do not propose to abandon the faith to which I have so lately been converted.

Mr. PHILPOTT. It occurs to me that many side issues may spring out of this question. Shall we divide the counties into single districts or shall we not? If there is any necessity for it; if right and justice demand it, then every man here ought to sustain the proposition. If there is no real necessity for it, no occasion for it, but by having a county divided into districts, with enough representatives to represent the whole population, then, we should have it in that manner. Is it proposed by this convention to so regulate and divide counties that you will divide a house against itself? I have heard that if you divide counties into separate districts, that you are liable to array one portion of the county against an other portion. I say that counties are so small in their boundaries, such small communities, that the interest of one portion of the county is the interest of the whole county. I have heard that if you divide a county into single districts you will do positive injury to the county; that there is strength in unity, and that in order that the whole county may be well represented, and all interests properly guarded with a full representation of delegates so that they may confer together. Persons who may have a desire to divide the interests of a party may form a union with delegates from the same county, in order to oppose the interests of some other portion of the county. I maintain this—that any man in a county who is fit to be a representative at all, is one who should know all about the interests of that county, and be well qualified to represent any part of it. And, for my part, I do not see any just reason, or any good ground at all for making those little counties into single districts, and I do believe that we ought not to proceed in such a manner as will show we intend to legislate upon this matter. I am in favor that this question should go out to the people and be considered. It has not yet been considered by the people of the state at large. It is new to me. The more I consider it, the more I am persuaded we ought not to have them. I now move the previous question.

Mr. WAKELEY. Mr. President. I admire the chivalry of gentlemen who make a speech, and then move the previous question.

Mr. PHILPOTT. I withdraw the motion for the previous question. I thought I had talked long enough. (Laughter.)

Mr. WILSON. Mr. President. I think it is time this convention broke up, and let out. Members do wrong to make a speech and then move the previous question. I labored hard in the committee room with Judge Wakeley, and I deny the charge which has been made of partisanship.

The PRESIDENT (pro tempore.) The question is upon adopting the

amendment to the amendment.

Mr. WAKELEY. Mr. President. I move a call of the house.

The secretary proceeded to call the roll.

The President (pro tempore) announced the results,—present, 39; absent 13,—as follows:

PRESENT.

Abbott,	Myers,
Boyd,	McCann,
Curtis,	Neligh,
Cassell,	Newsom,
Eaton,	Philpott,
Estabrook,	Reynolds,
Gibbs,	Stevenson,
Granger,	Stewart,
Gray,	Sprague,
Griggs,	Scofield,
Hascall,	Shaff,
Kenaston,	Thomas,
Kilburn,	Thummel,
Kirkpatrick,	Towle,
Lake,	Vifquain,
Lyon,	Wakeley,
Majors,	Weaver,
Mason,	Wilson,
Manderson,	Mr. President—39.
Maxwell,	

ABSENT.

Ballard,	Parker,
Campbell,	Price,
Grenell,	Robinson,
Hinman,	Speice,
Ley,	Tisdel,
Moore,	Woolworth.—13
Parchin,	

Mr. STEWART. Mr. President. I move that the further consideration of the business under the call of the house be dispensed with.

The secretary proceeded to call the roll.

The president (pro tempore) announced the result—ayes, 20; nays, 17,—as follows:

AYES.

Abbott,	Gray,
Cassell,	Griggs,
Gibbs,	Lake,
Lyon,	Stewart,
Myers,	Thummel,
McCann,	Towle,
Neligh,	Weaver,
Philpott,	Wilson.—20.
Reynolds,	

NAYS.

Eaton,	Newsom,
Estabrook,	Stevenson,
Granger,	Sprague,
Hascall,	Scofield,
Kilburn,	Shaff,
Kirkpatrick,	Thomas,
Majors,	Vifquain,
Mason,	Wakeley.—17.
Manderson,	

So the motion to dispense with the further consideration of the business under the call of the house was agreed to.

The PRESIDENT (pro tempore.) The question is upon the adoption of the amendment offered by the gentleman from Douglas (Mr. Wakeley) to the amendment of the gentleman from Douglas (Mr. Hascall.) The amendment reads:

"In any county electing three or more representatives, each elector may cast as many votes for any candidate as there are representatives to be elected, or may distribute the same or equal parts thereof among the candidates, not exceeding the number to be elected, as he may see fit, and the candidates highest in votes shall be declared elected."

The secretary proceeded to call the roll.

The President (pro tempore) announced the result—yeas, 18; nays, 22,—as follows:

YEAS.

Boyd,	Mason,
Eaton,	Newsom,
Estabrook,	Stevenson,
Gibbs,	Sprague,
Hascall,	Scofield,
Kilburn,	Shaff,

Thomas, Wakeley,
Towle, Mr. President.—18.
Vifquain,

NAYS.

Abbott, Manderson,
Curtis, Maxwell,
Cassell, Myers,
Granger, McCann,
Gray, Neligh,
Griggs, Philpott,
Kenaston, Reynolds,
Kirkpatrick, Stewart,
Lake, Thummel,
Lyon, Weaver,
Majors, Wilson.—22.

ABSENT OR NOT VOTING.

Ballard, Parchin,
Campbell, Parker,
Grenell, Price,
Hinman, Robinson,
Ley, Speice,
Moore, Tisdel.—12.

So the amendment of the gentleman from Douglas (Mr. Wakeley) was not agreed to.

The PRESIDENT (pro tempore) The question is upon the amendment offered by the gentleman from Douglas (Mr. Hascall) which reads:

"Sec. 20. Representatives shall be chosen by districts of convenient, contiguous territory, as compact as may be defined by law. A county not having the requisite population to entitle it to a representative, shall be joined to one or more like counties, and made a representative district—such district shall contain the population necessary for a representative, and no county thereof shall be included in any other representative district. But no county shall be divided in the formation of a representative district.

The PRESIDENT (pro tempore) The question is on the adoption of the amendment offered by the gentleman from Douglas (Mr. Hascall). The ayes and nays are demanded; secretary call the roll.

The vote was taken and the result announced—ayes, 15; nays, 25, —as follows:

AYES.

Boyd, Newsom,
Eaton, Stevenson,
Estabrook, Scofield,
Hascall, Shaff,
Kilburn, Thomas,
Mason, Towle,
Manderson, Vifquain,
Wakeley.—15.

NAYS.

Abbott, Myers,
Curtis, McCann,
Gibbs, Neligh,
Granger, Philpott,
Gray, Reynolds,
Griggs, Robinson,
Kenaston, Stewart,
Kirkpatrick, Sprague,
Lake, Thummel,
Lyon, Weaver,
Majors, Wilson,
Maxwell, Mr. President.—25.

ABSENT OR NOT VOTING.

Ballard, Parchin,
Campbell, Parker,
Grenell, Price,
Hinman, Speice,
Ley, Tisdel,
Moore, Woolworth.—12.

So the amendment was not agreed to.

The PRESIDENT (pro tempore) The question now arises upon the original section.

Mr. McCANN. Mr. President. I offer the following amendment, to add to the section the following:

"And no county shall be divided in the formation of a representative district."

Mr. President. It is clear to my mind that no one county should be divided. I want my county to say who shall be her representatives, as a whole, we have heretofore worked harmoniously. We generally take one half in the city and the other half

in the county, about as we are entitled. I think this should be so plain that the wayfaring man may read though he runs. This amendment will work no hardship and will set this matter at rest.

The PRESIDENT (pro tempore) The question is on the amendment of the gentleman from Otoe (Mr. McCann.) The ayes and nays are demanded. Secretary, call the roll.

The vote was taken and the result announced,—ayes, 22; nays, 17. —as follows:

AYES.

Abbott,	Maxwell,
Curtis,	Myers,
Cassell,	McCann,
Granger,	Neligh,
Gray,	Philpott,
Griggs,	Reynolds,
Kenaston,	Robinson,
Kirkpatrick,	Stewart,
Lake,	Thummel,
Majors,	Weaver,
Manderson,	Wilson.—22.

NAYS.

Boyd,	Newsom,
Eaton,	Stevenson,
Estabrook,	Sprague,
Gibbs,	Scofield,
Hascall,	Shaff,
Kilburn,	Thomas,
Lyon,	Towle,
Mason,	Vifquain,
	Wakeley.—17.

ABSENT OR NOT VOTING.

Ballard,	Parchin,
Campbell,	Parker,
Grenell,	Price,
Hinman,	Speice,
Ley,	Tisdel,
Moore,	Woolworth,
	Mr. President.——13.

So the amendment was agreed to.

Mr. MASON. (when his name was called.) Mr. President. I understand that proposition cuts out the possibility of a county which has less than three-fifths, having any representatative at all. I therefore vote "nay."

Mr. ESTABROOK. Mr. President. It seems to me from some experience I have had in the matter, this new state is doing itself a great injustice in opposing single districts, and as this comes next to it, I desire to change my vote and vote "nay."

The amendment was agreed to.

The PRESIDENT (pro tempore) The question is on the adoption of the section.

The yeas and nays are demanded.

The secretary called the roll and the president announced the result, —yeas, 25; nays, 14,—as follows:

YEAS.

Abbott,	Manderson,
Curtis,	Maxwell,
Cassell,	Myers,
Gibbs,	McCann,
Granger,	Neligh,
Gray,	Philpott,
Griggs,	Reynolds,
Hascall,	Robinson,
Kenaston,	Stewart,
Kirkpatrick,	Thummel,
Lake,	Weaver,
Majors,	Wilson,
	Mr. President.—25.

NAYS.

Boyd,	Sprague,
Eaton,	Scofield,
Estabrook,	Shaff,
Kilburn,	Thomas,
Mason,	Towle,
Newsom,	Vifquain,
Stevenson,	Wakeley.—14.

ABSENT OR NOT VOTING.

Ballard.	Moore,
Campbell,	Parchin,
Grenell,	Price,
Hinman,	Tisdel,
Ley,	Woolworth.—13.
Lyon,	

Mr. GRAY. Mr. President. I

move the ariticle be engrossed for a third reading.

The ayes and nays were demanded.

The Secretary called the roll and the President announced the result —yeas 30; nays, 10,—as follows:

YEAS.

Abbott,	Maxwell,
Curtis,	Myers,
Cassell,	McCann,
Gibbs,	Neligh,
Granger,	Philpott,
Gray,	Reynolds,
Griggs,	Robinson,
Hascall,	Stewart,
Kenaston,	Sprague,
Kilburn,	Shaff,
Kirkpatrick,	Thummel,
Lake,	Towle,
Lyon,	Weaver,
Majors,	Wilson,
Manderson,	Mr. President.—30

NAYS

Boyd,	Stevenson,
Eaton,	Scofield,
Estabrook,	Thomas,
Mason,	Vifquain,
Newsom,	Wakeley,—10.

ABSENT OR NOT VOTING.

Ballard,	Parchin,
Campbell,	Parker,
Grenell,	Price,
Hinman,	Speice,
Ley,	Tisdel,
Moore,	Woolworth,—12.

So the motion was agreed to.

Executive Article.

Mr. STRICKLAND. I move that we take up the Executive Article.

The PRESIDENT (pro tempore) The Executive Article is now on its third reading.

The secretary read the article, as follows:

ARTICLE——

EXECUTIVE ARTICLE.

Sec. 1. Officers of Department.

Sec. 2. Of the State Treasurer.

Sec. 3. Time of electing State Officers.

Sec. 4. Returns—Tie—Contested Elections.

Sec. 5. Eligibility for Office.

Sec. 6. Governor—Power and Duty.

Sec. 7. His Message and Statement.

Sec. 8. Convening the Legislature.

Sec. 9. Proroguing the Legislature.

Sec. 10. Nomination by the Governor.

Sec. 11. Vacancies may be filled

Sec. 12. Removals by the Governor.

Sec. 13. Reprieves—Commutations—Pardons.

Sec. 14. Governor as Commander in-Chief.

Sec. 15. Impeachment for Misdemeanor.

Sec. 16. Veto of the Governor.

Sec. 17. Lieutenant Governor as Governor.

Sec. 18. As President of the Senate.

Sec. 19. Vacancy in Governor's office.

Sec. 20. Board of Supervisors of Public Buildings.

Sec. 21. Vacancy in other State Offices.

Sec. 22. Reports of State Officers.

Sec. 23. Great Seal of State.

Sec. 24. Fees and Salaries.

Sec. 25. Definition of "Office."

Sec. 26. Oath of Civil Officers.

Sec. 27. Bonds.

Sec. 28. No new office to be created.

EXECUTIVE DEPARTMENT.

Sec. 1. The executive department shall consist of a governor, lieutenant governor, secretary of state,

auditor of public accounts, treasurer, Superintendent of public instruction, attorney general, and commissioner of public lands and buildings, who shall each hold his office for the term of two years from the first day of January next after his election, and until his successor is elected and qualified; provided, however, that the first election of said officers shall be holden on the Tuesday succeeding the first Monday in November, 1871, and the officers then elected shall each hold his office for one term of one year, and until his successor is elected and qualified.

They shall, except the lieutenant governor, reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

Sec. 2. The treasurer shall be ineligible to the office for two years next after the expiration of two consecutive terms for which he was elected.

ELECTION.

Sec. 3. The officers of the executive department after the first election herein provided for, be elected at the general election for members of the house of representatives to be held in the year 1872, and every two years thereafter, at such time and places as may be prescribed by law.

Sec. 4. The returns of every election for the above named officers shall be sealed up and transmitted by the retiring officers to the secretary of state, directed "To the Speaker of the House of Representatives," who shall, immediately after the organization of the house, and before proceeding with other business, open and publish the same in the presence of a majority of each house of the legislature, who shall for that purpose assemble in the hall of the house of represenatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal, and the highest, number of votes, the legislature shall, by joint ballot, choose one of said persons for said office. Contested elections for all of said offices shall be determined by both houses of the legislature, by joint ballot, in such manner as may be prescribed by law.

ELIGIBILITY.

Sec. 5. No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of twenty-five years, and been for two years next preceding his election, a citizen of the United States and this state. Neither the governor, lieutenant governor, auditor of public accounts, secretary of state, commissioner of public lands and buildings, state superintendent of public instruction nor attorney general shall be eligible to any other office during the period for which he shall have been elected.

GOVERNOR.

Sec. 6. The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed

Sec. 7. The governor shall, at the commencement of each session, and at the close of his term of office, whenever the legislature may require, give to the legislature information, by message, of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall account to the legislature, and accompany his message with a statement of all monies received and paid out by him from any funds subject to his order, with vouchers, and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

Sec. 8. The governor may, on extraordinary occasions, convene the legislature, by proclamation, stating therein the purposes for which they are convened; and the legislature shall enter upon no business except

that for which they were called together.

Sec. 9. In case of a disagreement between the two houses with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the legislature to such time as he thinks proper, not beyond the first day of the next regular session.

Sec. 10. The governor shall nominate, and, by and with the advice and consent of the senate, (a majority of all the senators elected concurring, by yeas and nays,) appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed by the legislature.

Sec. 11. In case of a vacancy, during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated who is confirmed by the senate (a majority of all the senators elected concurring, by yeas and nays,) shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the senate, shall be again nominated for the same office at the same session, unless at the request of the senate, or be appointed to the same office during the recess of the legislature.

Sec. 12. The governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant, and fill the same as herein provided in other cases of vacancy.

Sec. 13. The governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses, except treason and impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend execution of the sentence, until the case shall be reported to the legislature at its next meeting, when the legislature may either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the reprieve, commutation or pardon. In cases of conviction upon impeachment, the legislature may remit so much of the sentence as shall disqualify the convicted person from holding office.

Sec. 14. The governor shall be the commander-in-chief of the military and naval forces of the state (except when they shall be called into the service of the United States); and may call out the same to execute the laws, suppress insurrection, and repel invasion.

Sec. 15. The governor and all civil officers of the state shall be liable to impeachment for any misdemeanor in office.

VETO.

Sec. 16 Every bill passed by the legislature shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal, and proceed to re-consider the bill. If, then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the ob-

jections, to the other house, by which it shall likewise be re-considered: and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. But in all such cases, the vote of each house shall be determined by yeas and nays, to be entered on the journal. Any bill which shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the legislature shall by their adjournment, prevent its return; in which case it shall be filed, with his objections, in the office of the secretary of state, within five days after such adjournment, or become a law.

LIEUTENANT GOVERNOR.

Sec. 17. In the case of the death, impeachment, and notice thereof to the accused and the senate, failure to qualify, resignation, absence from the state, or other disability of the governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant governor.

Sec. 18. The lieutenant governor shall be president of the senate, and shall vote only when the senate is equally divided The senate shall choose a president pro tempore to preside in case of the absence or impeachment of the lieutenant governor, or when he shall hold the office of the governor.

Sec. 19. If there be no lieutenant governor, or if the lieutenant governor shall, for any of the causes specified in section 17 of this article, become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above named causes shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives.

Sec. 20. The commissioner of public lands and buildings, the secretary of state, treasurer, and attorney general shall form a board which shall have general supervision and control of all the buildings, grounds and lands of the state, the states prison, asylums, and all other institutions thereof, except those for educational purposes; and shall perform such duties and be subject to such rules and regulations as may be prescribed by law.

OTHER STATE OFFICERS.

Sec. 21 If the office of the auditor of public accounts, treasurer, secretary of state, attorney general, commissioner of public lands and buildings, or superintendent of public instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be prescribed by law. An account shall be kept by the officers of the executive department, and of all the public institutions of the state, of all monies received or disbursed by them severally, from all sources and for every service performed, and a semi-annual report thereof be made to the governor, under oath; and any officer who makes a false report shall be guilty of perjury and punished accordingly.

Sec. 22. The officers of the executive department, and of all the public institutions of the state, shall, at least ten days preceding each regular session of the legislature, severally report to the governor, who shall transmit such reports to the legislature, together with the reports of the judges of the supreme court of defects in the constitution and laws; and the governor or either house of the legislature may, at any time, require information, in writing, under oath, from the officers of the executive department, and all officers and managers of state institutions, upon any subject relating to the condition,

management and expenses of their respective offices.

THE SEAL OF THE STATE

Sec 23 There shall be a seal of the state, which shall be called the "Great Seal of the State of Nebraska," which shall be kept by the secretary of state, and used by him officially, as directed by law

FEES AND SALARIES

Sec 24 The officers named in this article shall receive for their services a salary, and they shall not, after the expiration of the terms of those in office at the adoption of this constitution, receive to their own use any fees costs, perquisites of office or other compensation And all fees that may hereafter be payable by law for any service performed by any officer provided for in this article of the constitution shall be paid in advance into the state treasury

The salary of the governor shall be $3,000 The salaries of the secretary of state, of the auditor of public accounts and of superintendent of public instruction, treasurer, commissioner of public lands and buildings and attorney general shall each be $2,000 The lieutenant governor shall receive twice the compensation of a senator, provided, that at the expiration of five years from the adoption of this constitution, and every five years thereafter the legislature may, by general law, readjust the said salaries, but the salaries of the officers named in this section shall not be increased or diminished during their official terms

DEFINITION AND OATH OF OFFICE

Sec 25 An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time with a successor elected or appointed An employment is an agency for a temporary purpose which ceases when that purpose is accomplished

Sec. 26 All civil officers, except members of the legislature, and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the constitution of the United States, the constitution of the state of Nebraska, and that I will faithfully and impartially discharge the duties of the office of ——— to the best of my ability; and that I have not, directly or indirectly paid or contributed anything, or made any promise, in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office; and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, for any official act

The secretary of state shall file and record the oath, subscribed by each officer. Any officer refusing to take the oath herein prescribed, shall forfeit his office, and after conviction of having sworn falsely to, or of violating his said oath, shall forfeit his office, and shall be disqualified from holding any office of trust or profit in the state.

No other oath, declaration or test shall be required as a qualification

BONDS

Sec. 27. The officers mentioned in this article shall give bonds in double the amount of money which may come into their hands, with such provisions as to sureties and the approval thereof, and for the increase of the penalty of such bonds, as may be prescribed by law.

Sec. 28. No other executive state office shall be created

The PRESIDENT. This is the third reading of the proposition. The question is upon its adoption. The secretary will call the roll.

The vote was taken and the result

announced—ayes, 35; nays, none,—as follows:

AYES.

Abbott,	Maxwell,
Boyd,	Moore,
Curtis,	Myers,
Cassell,	Neligh,
Eaton,	Newsom,
Estabrook,	Philpott,
Gibbs,	Reynolds,
Granger,	Robinson,
Gray,	Stevenson,
Griggs,	Stewart,
Hascall,	Sprague,
Kenaston,	Shaff,
Kilburn,	Thomas,
Lake,	Thummel,
Lyon,	Vifquain,
Majors,	Wakeley,
Manderson,	Weaver,
	Wilson.—35.

None voting in the negative.

ABSENT OR NOT VOTING.

Ballard,	Parchin,
Campbell,	Parker,
Grenell,	Price,
Hinman,	Scofield,
Kirkpatrick,	Speice,
Ley,	Tisdel,
Mason,	Towle,
McCann,	Woolworth,
	Mr. President.—17.

So the article was adopted.

The PRESIDENT. The question is now on referring to the committee on revision and adjustment.

The motion was agreed to and the proposition was so referred.

Mr. HASCALL. Mr. President. I move to go into committee of the whole on the report of the committee on miscellaneous corporations.

Mr. GRAY. Mr. President. I move to amend that we go into committee of the whole on the subject of state, county, and municipal indebtedness.

Mr. HASCALL. I will withdraw my motion.

The PRESIDENT. The question is on going into the committee of the whole on state, county, and municipal indebtedness.

The motion was agreed to.

So the convention went into the committee of the whole, the gentleman from Richardson (Mr. Shaff) in the chair.

The CHAIRMAN. The committee have under consideration the report of the committee on state, county, and municipal indebtedness.

The secretary read the first section, as follows:

Section. 1. No city, county, town, precinct or other municipality or other sub-division of the State shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation thereto, or aid in the construction of any railroad or work of internal improvement, or create or contract any indebtedness for any purpose here specified, unless a proposition so to do shall have been submitted at an election held by authority of law and three-fifths of the qualified electors voting on said proposition shall be in favor of the same.

Such indebtedness, inclusive of any and all similar indebtedness whensoever created, shall not at any time exceed ten per cent. of the valuation for taxable purposes of such city, town, county, precinct or other municipality or sub-division of the state contracting such indebtedness.

Mr. GRAY. Mr. Chairman. I move that when the committee arise it report the majority and minority reports back to the convention and recommend that both propositions be submitted as separate articles, and the one receiving the largest number of votes be inserted in the constitution.

Mr. HASCALL. Mr. Chairman. The Illinois convention embodied a certain proposition in the constitution and submitted the other separately, and if the one submitted separately was carried it displaced the one inserted in the constitution, and if that is carried it stands That is the correct way.

Mr. GRAY. Mr. Chairman. The motion called for the submission of both propositions to the voters of the state, the one receiving the highest number of votes to be inserted in the constitution The gentleman from Douglas (Mr. Hascall) suggests that one of these propositions ought to be embodied in the constitution and the other submitted separately. It seems to me that mode is not the most convenient or proper. If you are to send out both these propositions to the people, send them out untrammeled, so that every voter may have an opportunity to choose which one he will adopt, then shall we get a fair and proper expression. Let the gentleman reflect that the most consistent way is to submit this as proposed to the motion I hope the motion will prevail I have no disposition to cut off discussion on the subject but I did suppose that this question of donations to railroads had been thoroughly and completely considered ever since we met And the whole question has been canvassed and considered by members of this convention from the time we first came in session until now It seems to me discussion will not throw any further light upon the subject

Mr HASCALL. I am sorry I did not make myself understood in the first instance, and if I had made myself understood I am certain the gentleman from Dodge would have withdrawn his motion. I referred to the Illinois constitution for the purpose of calling his attention directly to the plan which would probably be adopted by the schedule committee in this convention. I meant to say, however, that it was absolutely necessary, under the law we are acting, that that must be the plan here, and to show that the motion of the gentleman is in conflict with the law now in force for submitting this constitution, and the separate sections to the people, I will read from section ten of the law calling this convention:

"Sec 10 The amendments, alterations or revisions of the constitutions, shall be submitted to the people for their adoption or rejection, at an election to be called by said convention, and every person entitled to vote by the laws in force at the time such election is held may vote on the adoption or rejection of said amendments, alterations or revisions of the constitution and said amendments alterations or revisions of the constitution shall not take effect unless adopted by a majority of the electors voting at such election."

Now, what is it I propose here—that we will submit two separate propositions upon the same subject, and the proposition getting the most votes is to stand as the proposition. Now no proposition we submit to the people can be adopted by this law unless it receives a majority of all the votes cast at that election Both propositions might get a majority of all the votes. Farther than that, the

plan contemplates that if one proposition has more votes than another, notwithstanding it may not have a majority, it is adopted. We will insert one proposition in the constitution; and that is voted upon when the constitution is voted on, but that does not necessarily adopt it unless the section that has been submitted separately does not receive the endorsement of a majority of the qualified voters, but if a majority of the qualified voters vote in favor of the separate proposition, it does take the place of the one in the constitution. That is plain, and when you refer to section ten you see that the motion the gentleman made, if it should prevail, will avail nothing. I also refer to section eleven:

"Sec. 11. The amendments, alterations or revisions shall be so prepared and distinguished by number or otherwise, that they can be voted upon separately, unless the convention shall deem the same unnecessary or impracticable. The convention shall prescribe the form or manner of voting, the publication of the amendments, alterations or revisions, the notice of elections, and such other matters as in their judgment the best interests of the state may demand."

The only way you can make this submission valuable is to put one or the other of these propositions in the constitution. If one is submitted separately, and is ratified, it then takes the place of the one submitted in the constitution. But, we may make additional regulations when they do not conflict with the law. Therefore, as the gentleman's motion does conflict with this law, I shall be under the necessity of opposing it.

Mr. McCANN. This plan of throwing a number of propositions together and taking your chances as to how they come out, may be an easy matter to get rid of a very important question; but I apprehend, sir, it would not be a very regular proceeding. I move to amend the motion of the gentleman from Dodge as follows: "The report of the majority of the committee is hereby adopted as an article of the constitution, and the report of a minority of the said committee, shall be submitted separately, and, if adopted, shall take the place of the article inserted herein." I think that nothing can be plainer than this general proposition—that every voter in the state is either in favor of one or the other. Now, then, incorporate one, either the majority or the minority, and submitting them separately gives this privilege to every qualified elector of the state. If he is opposed to the report of the majority which would be in the constitution, he simply votes to adopt the vote of the minority, and thereby has a voice. If a majority were in favor of this majority report, it is already a part of the constitution and the other article, which is separately submitted falls to the ground. I believe this is the only mode by which we can reach this. I believe a majority of the people of the state have made up their minds upon this question, and are only waiting for an opportunity to vote upon it.

Mr. GIBBS. We will suppose that there are 10,000 votes cast for the constitution, which of course included the majority report, and 6,000 votes for the minority report, which

is more than half the number cast for the constitution, which will carry?

Mr. McCANN. I think I can satisfy the gentleman. If 10,000 persons are voting and 6,000 vote for the minority report, it certainly takes the place of the majority report, and becomes a part of the constitution, because 6,000 is clearly a majority of the voters.

Mr. GRAY. The gentleman from Douglas (Mr. Hascall) thinks, by this section, if the two propositions are submitted, the one will run against the other, and if both propositions get a majority of all the votes cast both propositions would prevail. Now, I do not think so, in this case any more than in the other. If that were true it would also be true that if you submitted the majority report, together with the constitution itself, and the minority report independently, the constitution itself would undoubtedly receive a majority of all the votes cast. Both would have received a majority and the same rule would have to apply in one case that does in the other. Now, how does the gentleman from Otoe propose to get along with this? He makes a practical proposition—simply to provide in the schedule that if the proposition submitted independently—the minority proposition—receives a majority of all the votes cast, that that shall take the place of the proposition contained in the constitution. The proposition contained in the constitution should receive 5,000 votes more than the one submitted separately. Now, if that mode of proceeding is good in the one case is it not in the other? Of course it is. Because, if it can be arranged by the schedule in the one case it can in the other. We can just as well provide in the constitution that the proposition receiving the largest number of votes shall be the constitutional provision, beyond all question. The only difference I can see is, that one is embodied in the constitution, and has some advantage over the one which is submitted independently. Still I am inclined to think there is not much in this, one way or the other. I am inclined to think that the proposition of the gentleman from Otoe (Mr. McCann) would accomplish about the same result as my proposition.

Mr. KIRKPATRICK. Mr. Chairman. I will take the opportunity of making a kind of general explanation on the subject of these reports. I will start out by saying that the majority report was the report of the committee. The minority report was not concurred in, of course, by the majority of the committee, but leave was given to make the report. Now, sir, if I understand the motion of the gentleman from Otoe (Mr. McCann) I see no objection to it. I deem his proposition very fair and just. The committee simply reported, asking that a certain proposition be submitted to be voted upon, at the same time the constitution was voted upon. If the majority vote in favor of it, then it should become a part of the constitution. If the majority do not vote in favor of it, then of course the majority report becomes a part of the constitution. It has

been said here, that most people have already made up their minds upon this question. I desire they shall have a full opportunity to express themselves.

Mr. ROBINSON. Mr. Chairman. I would like to make a motion, to amend the section in the majority report if it is in order.

Mr. GRAY. I think it will not be, Mr. Chairman, until this amendment is disposed of.

Mr. MAJORS. Mr. Chairman. I understand the proposition to be that one of the reports is to be embodied in the constitution and the other is to be submitted separately. I have some little objection to the majority report being embodied, which is this, it appears to me that if the majority report is submitted in the constitution, and I am called upon—as of course I will be—to support that constitution, I would vote upon the proposition as it stands in the constitution. Then there is the report of the minority, which I will vote for too. Now, the question is, if I vote for the constitution with the majority report in it, don't I vote for the majority report? Then if I vote for the minority report, have I done any more for the minority than I have for the majority? I cannot comprehend the logic of those who say this is the way to dispose of the matter. I don't like to be placed in a position where I must support a measure, and yet not support it. Believing as I do, notwithstanding the arguments that I have heard on this subject, I am not satisfied in my own mind with regard to it. Suppose a thousand votes are cast for the constitution with the majority report in it. Then six hundred of these voters vote in favor of the minority report as it is submitted as a separate article. Do the thousand votes count as cast for the majority report, or do only the four hundred, which were not cast for the minority report?

Mr. HASCALL. Mr. Chairman. I am sorry that a gentleman who has had so much experience cannot comprehend this proposition. He has been furnished with a copy of the new constitution of the state of Illinois. By referring to that he will see that this matter is made very plain. One proposition is embodied in the constitution; the people vote for the constitution, but they vote with a qualification. They can vote for the constitution, and for the majority report, which is embodied therein, or they can qualify that vote, by not endorsing or voting for this particular proposition. Then he can vote for the proposition contained in the minority report, and if it receives a majority of all the votes cast, it will become a part of the constitution, insead of the majority report. The ticket he puts in the box in favor of the adoption of the body of the constitution, is qualified so that he does not vote to retain every section therein, but he does vote absolutely for every section which is not submitted separately, and then he votes that the separate proposition shall go in the place of the one embodied in the article. I will take the illustration used by the gentleman from Nemaha, (Mr. Majors) a thousand voters vote on the main body of the constitution, but there

are six hundred of the thousand, who say they will take the constitution with the exception of this one section, and they vote for the proposition which was submitted separately, while the four hundred vote for the proposition embodied in the constitution. Therefore, the section submitted separately receives a majority of the votes cast, and it is put into the constitution, and the other proposition is rejected. This form of submission was proposed at the time the law was drawn calling this convention. You vote on the different propositions, and if the voter strikes out one, that is a vote against it, if he leaves it upon the ticket he votes for it.

Mr WAKELEY Mr. Chairman. If the committee will give me their attention for a few minutes, I will offer to explain the view which the committee took of the matter as I was the member that drafted the section which it is proposed to submit. It will be remembered in the first place that this section simply contains the provision upon which bonds are to be given. Mark the reading of the section

ARTICLE——

"Sec 1 No city, county, town, precinct or other municipality or other sub-division of the state shall ever become subscriber to the capital stock of any railroad or private corporation or make donation thereto, or aid in the construction of any railroad or work of internal improvement or create or contract any indebtedness for any purpose herein specified, unless a proposition so to do shall have been submitted at an election held by authority of law and three-fifths of the qualified electors voting on said proposition shall be in favor of the same.

Such indebtedness, inclusive of any and all similar indebtedness whensoever created, shall not at any time exceed ten per cent of the valuation for taxable purposes of such city, county, town, precinct or other municipality or subdivision of the state contracting such indebtedness.

Nor shall an aid be given to any railroad company or for the construction of any railroad, or any indebtedness be created or contracted for such purposes, unless the line of the railroad shall have been definitely located, and shall be specified in the proposition voted upon."

Now, sir, we specify in this section the limitation under which this matter may be extended, the terms and conditions, then we propose to submit to the people a proposition to vote whether they will issue bonds or no bonds, aid or no aid, and if a majority voting on this question vote for the issuing of bonds, or giving aid, then this section fixes the manner in which they shall be issued, but if a majority vote against it, then none shall be issued. In voting for the constitution we vote for it as a whole, but if a majority vote against the issuing of bonds then this section will not go into effect, or becomes inoperative I don't see how it can be submitted in any other way Let us make this perfect and then submit the question separately whether it shall be the law or not. Suppose on the question of adopting the constitution there are 15,000 votes cast and 10,000 of them should vote on the separate question to permit the issue of bonds, a majority of the votes cast, then this section will be of full

rorce, it must be decided by the votes of the people.

Mr. MASON. Mr. Chairman. I don't see any difficulty in submitting this question according to the proposition of Judge Wakeley. Before this question is voted on there are gentlemen here who desire to move certain amendments. I therefore hope the motion will be voted down until we have some opportunity of offering amendments.

It is well understood this question directs some attention, and excites some interest in the state. That is evidenced by the various memorials presented to this convention. I want to have an expression of the people on this subject.

Mr. BOYD. Will the gentleman from Dodge (Mr. Gray) withdraw his motion and let us amend the proposition?

Mr. GRAY. Mr. Chairman. I withdraw my motion.

Mr. ROBINSON. Mr. Chairman. I move to insert at the end of the section these words, "Such indebtedness shall never exceed $5,000 per mile of the proposed railroad, and shall in no event be payable until such railroad or a part thereof is completed and ready for the rolling stock, and only in proportion to the part so completed."

Mr. BOYD. Mr. Chairman. If this amendment is adopted it is giving more than any friend of the measure asked for. It will allow railroads to receive $5,000 per mile. I think all the friends of county aid to railroads ask for is about ten per cent under certain restrictions, and limitations, therefore I oppose the amendment of the gentleman from Lancaster (Mr. Robinson.)

Mr. ROBINSON. Mr. Chairman. What I desire to do is to obviate the difficulty heretofore felt. When the Midland Pacific Railroad proposed to come through this county they claimed they were unable to complete their railroad before receiving aid, and this county was determined not to give it. What I desire is that counties may vote in such manner as to pay them when they desire. For instance, when they have completed five miles let them take their bonds in proportion to the amount of road completed. I am unwilling that any county should ever vote one dollar aid and hand it over until they get value received for the amount they pay.

Mr. MASON. Mr. Chairman. I move to amend the amendment by adding, "and the aggregate amount of such indebtedness shall never exceed ten per centum of the assessed valuation of the county."

Mr. ROBINSON. Mr. Chairman. I accept the amendment.

Mr. MASON. Mr. Chairman. I insert this so as to say specifically that the entire aggregate aid to all the roads shall never exceed that amount. All I desire, in the amendment is to put it beyond question of judicial counteraction. That is all. It may, I think, as I said to the gentleman from Lancaster, be construed. And to make it perfectly safe, I express it in so many emphatic words, so that this question might never be raised.

Mr. TOWLE. The amendment, as

offered by the Chief Justice, would conform with the wishes and desires of gentlemen who are in favor of this general proposition to railroad corporations. I do not think there will be any probability of any county giving aid to any company before they have value received. I would give my adherence and vote to the amendment of the gentleman from Otoe.

Mr. HASCALL. It will not do to adopt that amendment of the gentleman from Otoe, for this reason—that this indebtedness is contemplated for other purposes than the construction of railroads. I call the attention of gentlemen to the reading of this section:

"Sec. 1. No city, county, town, precinct or other municipality or other sub-division of the state shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation thereto, or aid in the construction of any railroad or work of internal improvement, or create or contract any indebtedness for any purpose herein specified, unless a proposition so to do shall have been submitted at an election held by authority of law and three-fifths of the qualified electors voting on said proposition shall be in favor of the same.

Such indebtedness, inclusive of any and all similar indebtedness whensoever created, shall not at any time exceed ten per cent. of the valuation for taxable purposes of such city, town, precinct or other municipality or sub-division of the state contracting such indebtedness."

Now, that contemplates aid for a canal company just as much as it does for a railroad; also to a private corporation for other purposes. Now, when he adds that clause and says "such indebtedness," it applies to indebtedness for all these purposes. If he would commence the amendment by saying "any such indebtedness contracted for the construction of a railroad," then it would be satisfactory. If he does not do so, then I would move to amend. I do move to amend so that it commences "Any such indebtedness contracted for the construction of a railroad."

Mr. STRICKLAND. I move the committee rise, report progress, and ask leave to sit again.

The motion was agreed to.

Mr. SHAFF. Mr. President. The committee of the whole have had under consideration the report of the Committee on State, County and Municipal Indebtedness, report progress and ask leave to sit again.

Mr. LAKE. I move we adjourn.

The motion was agreed to.

So the convention, at twelve o'clock and ten minutes adjourned.

AFTERNOON SESSION.

The convention met at 2 o'clock and was called to order by the President.

Resolutions.

Mr. BOYD. Mr. President. I desire to offer a resolution.

The secretary read the resolution, as follows:

Resolved, That this convention takes pleasure in extending the privileges of the floor to the Hon. J. Sterling Morton, of Nebraska City, also Mr. Morton, of Michigan and Mr. Noble.

The resolution was adopted.

Committee of the Whole.

State, County and Municipal Indebtedness.

Mr. GRAY. Mr. President. I move we go into committee of the whole for the consideration of the article on State, County and Municipal Indebtedness.

The motion was agreed to.

So the convention went into the committee of the whole, with Mr. Shaff in the chair.

The CHAIRMAN. When the committee rose we had under consideration, the amendment offered by the gentleman from Lancaster (Mr. Robinson) which reads:

"Such indebtedness shall never exceed $5,000 per mile of the proposed railroad and shall in no event be payable until such railroad or a part thereof is completed and ready for the rolling stock, and only in proportion to the part so completed."

The question is upon the adoption.

The amendment was agreed to.

Mr. WILSON. Mr. Chairman. I move to strike out the words "'three-fifths," in the fifth line, and insert the word "majority."

Mr. SPRAGUE. Mr. Chairman. I move to amend the amendment, by inserting the words "three-fourths."

Mr. KIRKPATRICK. Mr. Chairman. I hope the amendment will not prevail. I think it would be better, really, to vote down, both the amendment, and the amendment to the amendment.

Mr. MAXWELL. Mr. Chairman. It seems to me it would be better to adopt the article reported by the committee. I am not prepared to say, that in localities where they have no railroads, and where roads should be encouraged in order to have them built, that the people should not be permitted to vote them aid. I think that if three-fifths of the community are in favor of the proposition, I think we should not object. While I am opposed to all monopolies, I say that railroads ought to be encouraged. The counties west and south of us must have railroads, and the people had better give ten per cent. of the profits on their labor than to go without railroads. They increase the value of property, and the men who encourage railroads to pass through their section of country, are repaid ten fold.

Mr. PHILPOTT. Mr. Chairman. I hope the amendment may not prevail. I can vote for the article as reported by the committee, but I can barely vote for it. I have an objection to the whole matter, and that is this: I believe that the whole thing is wrong in principle, I deny the right of this convention or the people themselves to form a provision whereby somebody may be able to vote away a person's money to give to somebody else. I say this thing is wrong in principle. I know that long ago it was settled by the people of this government to give the government a right to tax the people in order to sustain itself, and supply the means of defraying the expenses of carrying it on. It might be said here that this thing of voting money out of other people's pockets, was done for the general benefit. Suppose a man has a large tract of land. This land is taxed for the benefit of railroads. He sells his land and leaves the coun-

try. He has derived no benefit from the railroad, but has had to pay his proportion of the tax which helped to build.

Mr. SPRAGUE. Mr. Chairman: I think there should be a greater number required to vote taxes for bonds than a simple majority, but if the gentleman from Johnson (Mr. Wilson) will withdraw his amendment, I will withdraw mine.

Mr WILSON I withdraw my amendment, Mr Chairman.

Mr ROBINSON Mr Chairman. I would like to renew that motion to insert "majority." If it is wrong, the only way to cure that is to require a universal vote, if it is not wrong why require three-fifths? In this new country where we desire this aid, and where this aid conduces so much to the building up of our country, I believe we should only place sufficient guards around this to protect the interests of the people I am willing to support this amendment

Mr. SPRAGUE Mr. Chairman. The amendment has been renewe and I again move to insert "two-thirds instead of "majority."

M. BOYD Mr Chairman I am in favor of ingrafting the section as reported by the committee in the body of the constitution and against submitting it as a separate proposition, and hope none of the amendments will prevail.

The subject of state, county and municipal aid to railroads is one that interests the people of Nebraska, at this time, probably more than any other that has claimed the attention of this convention, and our final decision in the premises will affect the future prosperity of the state to a greater degree than any other. How necessary is it, then that we consider well our action and do nothing that will have a tendency to retard the growth of our young and prosperous state.

In considering the report before us the only question at issue, is, whether a county, city or other municipality, have the right under and by virtue of the power as corporations to vote money or credit in aid of railroads.

I claim they have the right, and to bear me out in that assertion I will state, that the supreme courts of seventeen states in the union have so decided, and the supreme court of the United States has re-asserted the principle that there existed by law the right in counties, cities and townships to tax the people for railroads.

Having the right to aid railroads the people who are directly interested should be the judges whether it is wise or not, and they should be allowed to levy a tax for that purpose as much so as for any other if a majority desire to do so.

The matter of building railroads is a matter of great interest both to the public and to individuals, and it is for us to consider whether those municipalities which are most immediately interested ought under reasonable restrictions be allowed to grant such aid as they may deem proper; or whether on the other hand they should be prohibited with an iron rule in the fundamental law of our state from granting any aid whatever

There is nothing in our present constitution on the subject, but the legislature enacted a law allowing counties, cities and other municipalities to aid any railroad or other work of internal improvement to an amount not exceeding ten per cent. of their assessed valuation. This has been construed in some instances by good lawyers to mean that a county could vote and issue bonds to the amount of ten per cent of its valuation to one company, afterwards vote and issue bonds to the amount of ten per cent. of its assessed valuation to another company and so on to every company it chose. Equally good lawyers have given as their opinion that bonds issued under that law are worthless, but I have not the least doubt but all bonds issued will be paid if they are held by a third and innocent party. We should settle this question in our constitution and say whether bonds can be issued or not. Then if allowed to be issued they will bring a higher price in the market, enabling the company receiving them to put one dollar in value in the county for every dollar's indebtedness created.

Men well versed in the management of railroads have estimated that a strip of land ten miles in width with settlements like some of the older states will support one; but suppose we say twenty miles wide, that would give every county in our state a railroad and I believe if we adopt the liberal policy we should, in the next ten years every county in the eastern half will have a railroad.

It is well known to every gentleman present that the greater portion of our state is a vast prairie, with timber in very limited quantities, and I have not yet learned of coal being found sufficient to pay for working. The greater portion of the interior is also without stone, so that all we can boast of with which to build up a great state is our agricultural and pastoral resources—our living streams of pure water, and a climate that cannot be surpassed. Almost every other state in the union, has had the advantages of timber, stone, and coal in abundance, and very many have had navigable streams and lakes to bring their supplies and carry their produce to market, and the early settlers managed to get along comfortably, as they then thought, without railroads; but the case is quite different with us, we are dependent upon them for our future prosperity and a great measure owe all we are today to them. We need railroads to develop our resources, build up our cities and towns, our churches and schools. They are the great civilizers of the age. Take the river tier of counties in our state and nearly every one of them have loaned their credit in aid of railroads: Richardson, Nemaha, Otoe, Cass, Douglas, Washington, Dodge, Lancaster and many other counties have bonded themselves in aid thereof and I am sure they have all been benefitted by the operation. Burt, Dakota, Dixon and other counties have offered and are anxious to loan their credit could they secure the advantages and benefits of a railroad by so doing.

Do the members of this convention who represent the most populous

counties in the state—counties that have voted aid—in many instances I admit—to a greater extent than they should have done; do they wish to prohibit other counties that need railroads, and are today suffering for the want of them from aiding them if a majority of the voters so wish?

Mr Chairman. I am not in favor of prohibiting the people from exercising this right—the same right that nearly all the older counties have availed themselves of. Neither am I in favor of allowing them to involve themselves in what might be a dangerous expenditure, but I am in favor of adopting some middle ground, say to an amount not exceeding ten per cent. of the assessed valuation, if a majority of the voters vote therefor at a general election.

We are all aware that large quantities of land (especially in the new counties of the state) is owned by non-residents and speculators, waiting to have the public spirited citizens who are residents, build churches, school houses, bridges, wagon roads and railroads in order to enhance the value of their property which in many instances it does from fifty to one hundred and even three hundred per cent. They will not improve their land neither will they sell it, and I would like to know in what way we can reach such, only by equal taxation. Gentlemen say let those persons build railroads that desire to do so. That the majority have no right to vote money out of the pockets of the minority for that purpose The non-resident receives no direct benefit from the schools you build, he cannot send his children to them; he receives no direct benefit from the wagon roads and bridges you build, he never passes over them, still you tax him for it; but he does receive benefit from all such improvements by the increase in the value of his land and he should be made to pay his proportion of the expense and the only way you can make him is by taxation.

Gentlemen who oppose giving aid are quick to preceive and point out all the supposed injuries arising from the policy and are so blinded with hatred towards anything bearing the name of railroad that they cannot see any of the benefits. Now, Mr. Chairman, I would like to ask what would our state be today had a clause prohibiting counties, cities and other municipalities from aiding works of internal improvement been engrafted in our constitution? Why, sir, had it not been for the liberal policy pursued we would not have had a mile of railroad in our state except those which received aid from congress. A short time since Gov. Dennison of Ohio in a public speech in this city stated that Ohio had a prohibitory clause in her constitution, and that from the day of its adoption, improvements in the way of railroads had ceased That unfinished lines had never been completed and the people are clamorous for relief from that restriction. He is a non-resident of our state, a large land-holder, and desires to be taxed to aid in building railroads.

But, sir, let us look at the benefits to be derived. By building railroads our land is more than doubled in val-

ue; the grain raised is worth to the farmer from five to ten cents per bushel more; there is a saving on the lumber in his buildings from five to ten dollars per thousand feet. He saves on all the necessaries of life and receives more for what he produces by having cheap transportation. And it has been decided by some of the best financiers and railroad managers in the country that one cent saved to the farmer on each bushel of grain increases the value of his land one dollar per acre.

The majority of the railroads in the west do not pay, it is only the great trunk lines that are making money. Very few roads are now built with the expectation of making them pay at first. With all the aid our local roads received, we have found it very difficult to complete them, and I know there is not one of them paying more than running expenses, and that it will be ten years before some of them will pay interest on the money invested. The question may be asked why are they built if they do not pay? Well, sir, I will explain that. In the first place the approximate estimate of the cost of the work is ascertained, the country through which the road is to pass is examined, the amount of grain and produce that will necessarily find a market over it, the freight and passenger traffic is ascertained as near as possible. An estimate is then made of the aid they expect to receive, and if it is found that the amount expected to be received for freight and passenger, together with the aid, is sufficient to pay a per centage on the cost, until such time as the receipts will; the road will be built, otherwise not.

It is sheer nonsense to talk of railroads being built through a country like ours as fast as required. Capitalists will never put their money in any enterprise unless they see or think they see a corresponding benefit, and there is no gentleman in this convention, how little soever he knows of the management of railroads, but must know there is not a local road in our state that is paying. As I said, before, capitalists must see or think they see a fair profit on their investment before they put money in it and unless they receive an amount of aid sufficient together with the amount they expect to receive from freight and passengers to remunerate them they will never build our railroads. Why, sir, you cannot point to a single mile of railroad that has been built for the last ten years, without aid, either from the United States, county, city or otherwise.

Not long since a gentleman owning over 16,000 acres of land in this state remarked to me that he hoped the members of this convention would not allow their prejudices against railroads to blind them to the best interests of the state as to prohibit counties from aiding them and that unless they were permitted to do so he was afraid no railroads would be built and that he would willingly pay any tax imposed upon him for that purpose.

It may be all very well for the state of Illinois, now that she is covered with a perfect net work of railroads to prohibit aid to corporations,

but had she adopted such a policy twenty years ago what would she be now? Do you think she would be the fourth state in the union? No, sir, she would not have attained the proud position, she now occupies, for fifty years to come. Shall Nebraska then pursue such a suicidal policy, or shall she foster and aid railroads and other works of internal improvements, and take the proud position at an early day among her sister states she is one day destined to attain?

People will not settle in our prairie country unless there are lines of railroad near them or unless lines are contemplated and expected to be completed very soon. Do you think, Mr. Chairman, that the settlements in our state would be as widely extended as they are did the hardy sons of toil think they would not soon have a railroad near them? No, sir, and their unanimous wish is for railroads, and that as soon as possible. If we do not allow the counties that are without railroads to aid in building them, it will retard their growth for an indefinite period of time, and I am well satisfied it will be several years before many of them will have the advantages of cheap transportation

Suppose a large majority—say three-fourths if you please—of the voters of a county were in favor of loaning their credit in aid of railroads or any other work of internal improvement, and that a large amount of the land in the county was owned by non-residents, would it be justice to compel so large a majority to do without the convenience and benefit of railroad communication or subscribe themselves, and allow those who are equally benefitted to pay none of the expense? What kind of justice would there be in that mode of procedure?

When I look back to what the Territory of Nebraska was fifteen years ago when I first put foot on her soil —when her population was less than 12,000—when the only inhabitants of her broad prairies was the untutored Indians—when there was not a railroad within two hundred miles of her borders, and see what she is now, with her 200,000 people, her eight hundred miles of railroad—the vast extent of her rich prairies already yielding the bountiful harvest; it is so far in advance of my most sanguine expectations that I am filled with wonder Especially so, Mr. Chairman, when I take into consideration that eight years ago her population was not over 25,000 But if our state has advanced with such lightning strides during the past eight years, now that she is becoming known and appreciated, how much more rapid will be her progress in the next ten years

It has been frequently stated by members of this convention that we have the most munificent school fund of any of the states If we invest it judiciously Nebraska must soon be celebrated for her educational institutions And next to our institutions of learning, I consider railroads the great civilizers and educators of the age I regard works of internal improvements to be fundamental in character and that our social and national prosperity, our intellectual and moral progress, depend

upon, and in a great measure is due to them. History teaches us that those nations that engaged in works of internal improvements and fostered the material interests of the country have always advanced most in intellectual, social and moral progress. If we will only then pursue a liberal policy towards our works of internal improvements, our course will still be onward, and the rapidity of our progress will excite the astonishment and admiration of our sister states.

Mr. MASON. Mr. Chairman. There was a time when the name of King was hateful to the whole American people. When our forefathers rebelled against British tyranny, they came to couple in their minds, with their dislike of oppression, an aversion to the very title under which tyrannical power had been personified.

But now we hear constantly of Railroad Kings, just as if Railroad Kings were any less odious than political kings.

We want no kings of any kind in America; neither political kings nor railroad kings.

If the power of the great railway corporations be not curbed, and repressed and lessened—and that right speedily—we fear it will be difficult to preserve the liberties of the people in opposition to them.

Such aggregations of capital are always, naturally and inherently, unfavorable to popular interests and rights. We do not say that the collection and concentration of capital may not sometimes be made to contribute to the public good; but then it should be regulated and controlled by the strong hand of law. It should also be vigilantly and always watched, as liable, at all times, to assume the character of a public enemy.

Our great railway corporations already elect state legislatures. These legislatures make laws, and exert more or less power over state judges.

At any election of president they may be able to turn the scales in favor of the one candidate or the other. Presidents appoint Federal Judges, and thus the National courts may be reached.

The Railway power is the most dangerous power existing in this country today. To make this fact generally realized, is the first step toward effecting the reduction of that power.

I start with this fundamental proposition and admit it is for the public good to build a railway. It is said by the gentleman (Mr. Boyd) it enhances the value of real estate. Does it not likewise enhance the value of real property in your midst to build a manufactory of agricultural implements? Does it not increase the aggregate wealth of the state, and is it not a real benefit to the community when the same is located, and because it does this shall you take the property of individuals by taxation to accomplish this result? Is it right to do so? Why, sir, I undertake to say today if Otoe county had given her $400,000 in bonds that she has given to railroads, and secured a manufactory of agricultural implements upon her hillsides, and woolen mills and plow factories

within her borders that enter into the daily consumption of life, she would have been richer by far than she is with her railroads. What man is there so bold that he would take the private property of the individual to build one of these manufactories. No such individual can be found. The only argument used by the gentleman is that railroads enhance the value of property, so also does the woolen mill and manufactory of implements, so also does the hotel that is built in a town, and whoever heard of taking individual property to accomplish this result. Again, it is either right or wrong, one of the two must be self evident, and if wrong it has its origin in the brain of selfish and interested mortality and must eventually die. If it is right it must live. If it is wrong it must die. Now, sir, experience in Illinois shows it was wrong, and it died there the death of the fallen. It is dying everywhere where communities have felt the power of this evil; and because we are young they say you should engraft this evil upon us in all its injurious consequences, and without restriction. Why, sir, where do you get the right to tax me to build a railroad, and then charge me for every mile I ride over it, and for every pound of freight I send across it? The gentleman says we are taxed for schools, the railroads are educators and civilizers, and therefore we should be taxed to build them. Are not our schools free to the rich and the poor, the high and the low? Are your railroads free to all? What sophistry is here resorted to? Why, sir, we make our schools free to everybody. Because we say that education makes the man and woman and men and women make the state. Now, Mr. Chairman, tell me where you get the right to tax for private railroads and for private purposes, for taxes are property, nothing else, you take my property and you give to a corporation, or you give it to an association of men against my will. How do you propose to do this? By a majority vote of my neighbors. Why, sir, this is an invasion of the rights of private property that can find no foundation in truth and justice. Suppose that a majority of my neighbors should conceive the idea that they would tax me out of existence to improve our county or build a railroad, they each being worth a hundred thousand, and I but a fourth of the sum and in distress for money. They vote the tax and I am compelled to sell to them to realize the money and am thus taxed out of existence. Besides, sir, go back to the state of Iowa, look at her history for the last year; where a majority vote was enabled to pass upon the people just as much railroads bonds as they choose. What is the condition of things there? The state is in open war and rebellion against the burden of taxation. Why, sir, on the line of one county, a farm situated within the county thus burdened with debt will scarcely sell for ten dollars per acre, and just across the street, with like improvements or similarly situated is worth one hundred and fifty dollars per acre, and yet the proposition is to let the majority carry this question. Again, who is it that votes these tax-

es? What proportion of the people who pay, vote at these popular elections to carry these questions of bonds or no bonds? Is it the men who pay, or the men under the direct control of the proposed improvement, that never expect to pay one dollar, that fastens this debt upon the tax payers? It seems to me this reason alone should induce this convention to put a safe restriction of not less than three-fifths of all the votes cast upon that proposition. I do not expect my views will be written in this constitution upon this subject and upon that as a question of improvement. I may be wrong, I do not propose to debate it. I plant myself upon the eternal right that you have no right to take the property of A and give it to B to enable G to build a railroad and give him the entire and supreme control of that road, and tax Mr. A whose money you have taken to construct it, let Mr. B charge what price he pleases for carrying A, his family, and freight over it. You have no right to do it simply because it develops and improves the country. I do not stand here to deny that railroads improve the country, I stand here to admit it and assert that so also does every work of internal improvement. So does the building of farm house, the store house, the erection of manufactories and, in short, every single stroke of labor that adds material wealth to the soil or develops the country, adds to the aggregate wealth and development of the state, but because it does that must we take the private property of A to accomplish this result? No, sir, it is wrong. It is wrong in principle. Show me where it is right. You tell me I can ride over a railroad if I pay my money, so I can in the stage coach. And would you tax me, and take my money to buy the coach and horses, and then give it to A or B? No, sir, I think not. But let me turn to the proposition now in hand. Take this question in my own county, if you please. About two-thirds of the people live in the country, and one third in the town. The town always casts a larger vote. Why, sir? When, then, there is a proposition to carry bonds, before the people, every dram shop sends out its members who are waiting there anxiously to secure the cursed drink, just like the young robin waiting for the old bird coming home with the worm; and when the proposition is submitted you always find these men at the polls to vote. And where are the men who have to pay? Frequently upon their farms, or attending to their business. They are not of those who come and go at the beck and call of these money powers. Now, ought not we to give to these men the safe guarantee of a three-fifths vote? I ask the convention to do this. I desire to expose another specious argument offered by the gentlemen. River towns have but one interest to serve, and that is to extend the lines of their railways into the far west, that they may bring the commerce of the west into their laps. Hence every county bordering on the river naturally would be in favor of taxing those western counties to the last dollar to extend these loans to railroads, and, sir, instead of their in-

terest lying and being opposed to, every interest they have in the world, it is directed to secure the greatest amount of municipal aid on the part of the western counties. Why? Because they are extending these railroads to the western counties and they are adding to their own interests. This, sir, was an unfortunate argument for the gentleman from Douglas; and I only name this to expose the fallacy, and illustrate the fact that the interests of Otoe and Douglas counties alike are used to extend the lines of railway into the western country; and I shall not resist the submission of this question, but leave it to the people, hoping that the three-fifths vote may be required and submit the single proposition. And I defy any gentleman upon this floor to show me the abstract right to take the property of a private individual, and give it to a corporation. It is not right.

Mr. McCANN. Do I understand my colleague to say that moneys have never been used by any corporation or private individuals to secure votes in favor of aid to railways?

Mr. MASON. I say no such thing.

Mr. McCANN. Then, do I understand him to say that suppose Otoe county has given all the aid to railways she can it is to her interest to extend grants to western counties.

Mr. MASON. Yes, sir, you do understand me to say so exactly. There is not a banking house or a little store but sees the necessity of it. It is so plain that it needs no illustration at my hands. We have voted the last dollar. It would be impossible to carry another. And, now, sir, we want to vote all the spoils of somebody else.

Mr. McCANN. I differ from my colleague on this one point to this extent. Supposing my county has granted all the aid to railroad corporations that she will grant, or may be permitted to vote. I do not believe it is to the interest of my county or any other river county to unduly influence a western or new county, to do the same thing. All I wish to submit in this proposition, is shall we grant to counties these same privileges that we have heretofore enjoyed. I would grant the same privilege to every county in regard to municipal aid, that we have had. I prefer to have a majority vote, but I cheerfully accept the three-fifths. Douglas county has granted aid, to a great extent, to the Union Pacific railroad; to the Omaha & Northwestern railroad in Nebraska; to the Omaha & Southwestern railroad in Nebraska; and if I recollect, the last session of the territorial legislature in the old capitol at Omaha passed an act authorizing the city of Omaha to grant $75,000 in bonds to the Chicago & Northwestern railroad for the purpose of inducing them to complete their road to the river. The amount given was a much less sum than that provided. I recollect distinctly, at that time, urging upon the delegation from my own county to unite with the delegation in Douglas county, if it was to their interest so to do. Now, I would say to every county and town in the state that I wish them to enjoy the same privilege. Here we have the Nemaha Valley road and railroads being built

up the Republican and through the Elkhorn valley and along the Platte river; and the next twenty years will be running, and what I wish these people to enjoy during the next twenty years is just what I and my fellow citizens of Otoe county have enjoyed during the last ten years. I hope this may go to the people that they may decide for themselves. I hope this amendment may be adopted and the question submitted to the people.

Mr. WAKELEY. I am most thoroughly convinced that no argument upon the abstract question whether it is right or proper to extend municipal aid to railroad corporations, no discussion upon that subject could result in any practical good. It is a question which has been propounded and discussed in court by the bar and discussed by the judges of the court. And it would take more time than this convention has to spare to exhaust the argument on either side. For myself, I do not propose to enter into the argument at all. It seems to be conceded that we will submit this matter to the people, and let the argument take place before the great tribunal—the people of the state. My own conviction is that we ought to address ourselves to the practical question of what shall be the particular form of this provision in the constitution. Taking that view of it I leave all discussion of the proposition spoken to by my friend and colleague, Mr. Boyd, and by the distinguished gentleman, the Chief Justice, from Otoe. The question before the convention is on striking out three-fifths and inserting, according to one motion "a majority," and according to another "two-thirds." Mr. Chairman, it is urged with considerable force by the gentleman from Otoe that the friends of this proposition should be willing to require three-fifths vote of the people, and he gives good reasons for it. Among them that the friends of the proposition are more active in working in its favor than the opponents of it are against it; that some votes will be recorded which do not represent the taxpayers of the locality; and other practical reasons are suggested which lead to the result that the majority of the votes may obtain, and their numbers may not be an actual majority of all the prominent citizens of the town, district, or county in its favor. For that reason, Mr. Chairman, the committee thought it proper to require, not only an absolute majority, but a three-fifths vote of the people of the county. If the proposition is submitted to the people and shall receive a three-fifths vote it may be taken as a fair representation of the wishes of all the permanent residents of the precinct. We are to submit this article to the people, and I think that the more we can keep these corporations within bounds, the more votes we will receive for the article. The people will say that this is keeping railroad corporations within bounds; it requires that a railroad shall define its lines and specify them in the proposition; before the bonds shall be given. For these reasons, I shall vote steadily for the three-fifths proposition. On the other hand, Mr. Chairman, I don't think it is right

to require a two-third vote in order to carry the proposition to give aid to railroads. Undoubtedly the true principle is that the majority have the right to extend this aid, but, as a matter of expediency, it is no more than right to say that it shall take more than a bare majority to carry a proposition; but when you say it shall take a two-thirds vote to give aid to railroads I think you are not giving to these corporations or the majority, their power rights A two-thirds vote is such a very large vote that I think it will override the rights of the majorities, I think the three-fifths is a fair medium between the two It neither takes from the people the proper protection which should be given them, nor does it infringe upon the rights of those who favor giving aid to railroads.

Mr. GRIGGS. Mr. Chairman. I don't wish to occupy the time of the convention in discussing this question, because I feel satisfied that however much any member may say, it will not change a single vote in this body, for I think every member here has already made up his mind how he shall vote, as far as the question of a majority voting taxes upon the minority for aid to railroads is concerned that is a question we will not argue, as to the abstract right we might, perhaps, come to the conclusion that the majority, in all cases, has no right to vote money out of the pockets of the minority. For instance, we might say that the majority has no right to vote money to build bridges, because there may be money taken out of the pockets of those, who, object, or who will derive no advantages from these bridges; as they never travel over the same. They may live in a foreign country and yet their land is taxed in order to build bridges, from which they receive no benefit. Yet this is done, and no one attempts to deny that it is right. Again, it is said by the gentleman from Douglas (Mr. Boyd) that we are continually voting money out of the pockets of non-residents in order to build school houses, and this, perhaps, is in opposition to the principle of abstract right. But leaving the theory of abstract right out of the question entirely, we do say, that this is nothing more than the same right we exercise in other ways. We vote money out of the pockets of the minority, and they cannot help themselves. Again, I don't believe that we have the right to say, that those who wish to vote aid to railroads shall not be allowed to do so. We have no more right, on the other hand, to say that a vote of three-fifths, shall vote aid to railroads, than we have to say that a majority may do so. If three-fifths have the right to vote money out of the pockets of the other two-fifths, then a majority has the same right. I don't see how we can divide the line, and say just how many votes, or what proportion shall be required to vote money out of the pockets of the minority There is no dividing line that no one has the right to vote money out of the pockets of the minority. There is no dividing line -there can be none, sir. Where do you find the opposition to voting bonds to railroads? We know we must have railroads in the southern and west-

ern portions of the state, or to use a common phrase, "we are gone up." Without railroads our emigration ceases, our trade is ruined—we have no market for our produce. When my colleague, Mr. Reynolds, and I come up to this convention,we are compelled to travel forty miles in a stage coach. I think, if my friend, the Chief Justice (Mr. Mason) had to ride forty miles in a stage coach every time he came here, he would "cry out of the other corner of his mouth." (Laughter.) I say that we should have the same right in the west that has been given to those in the east. Mr. Mason comes from a part of the state, where there has been no aid, as yet given to railroads, and I undertake to say, that out of the three delegates who come from the district he represents, not one of them is in favor of this three-fifths proposition, yet the honorable gentleman who represents the district (Mr. Mason) comes here and attempts to keep these counties out of the rights that his own county, Otoe, has enjoyed.

Leave the matter so that we shall have the right to vote aid to railroads to a certain amount, say ten per cent on the valuation of the property in the county, under certain conditions. Submit this proposition to the people, together with another of entire prohibition, leave the people to say which they will have. I believe that actual prohibition will be carried in the state. It will be carried by such men as the Chief Justice, who lives in a county where their railroads are all built—where they don't expect to have another mile of railroad laid. The gentleman from Dodge (Mr. Gray) is also opposed to granting aid to railroads. Look at the county he represents,—look at the town in which he lives—(Fremont,) you will find that his place of residence has three railroads, the Union Pacific, running east and west, the Sioux City from the east and another running north—and those are all the roads they expect. Those are the men, who will support the proposition which prohibits counties from giving aid to railroads. They come here and say that we, who have no railroads, cannot aid in building them unless we get a vote of three-fifths of the voters in the county in favor of it. I say, leave it so that the majority can vote aid to railroads, if they wish to.

Mr. MYERS. Mr. Chairman. I will not make a long oration on this subject. We have been following in the wake of the Illinois constitution. Certain gentlemen have adopted it in every emergency. There is one section here, which presents itself to me with particular favor. It has escaped the Argus eyes. Those gentlemen who have worshipped its provisions seem to have omitted one, which was adopted by the people of that state. I will read it, just for my own private information. The gentlemen to whom I have alluded need not listen, if they don't want to.

"No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation or loan its credit in aid of, such corporation: Provided, however, that the adop-

tion of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption."

Now, Mr. Chairman, I believe that this clause contains a good deal of the experience of the older states, including Illinois. I believe that it contains the experience of old men who have been burnt in the fire by railroad bonds, and railroad subscriptions. From 1834 down to 1847, all the railroads in the United States were built and equipped from the rich coal mines in the old states; and from one city to another, in the eastern states. They connected distant cities by iron bands, and this was done without calling upon the little villages for their loose change to help do the work. They do not call for the offalls of the specie to build and improve, which everybody believes to be necessary for the good of the state, city or county, but every gentleman who was convinced of the good puts his hand into his pocket and subscribes for these improvements; and when these improvements outrun the needs of the country and they were going to build them the Lord knows where, only somewhere, and they resorted to artificial means to get money to aid them. They could not get anything through if you was to read the ten commandments, the Lord's prayer and the eloquent speech of my colleague from Douglas (Mr. Boyd). We have many railroads in this state, and the end is not yet, and they are very expensive toys. There is a rumbling and grumbling in the community; the farmer is beginning to inquire as to their interests. Gentlemen tell us we are getting into trouble. Now, I am going to give up my rights and I will give them all the rights that I have, and to be generous to these gentlemen, I will give them about five per cent. to go to ruin on. I don't believe in voting this money. It is not right. The objects of government are simple and pure, and simply to control the state affairs. To control all those interests are the legitimate objects of the governments without running into all these various minutia. Now, Mr. Chairman, I have a kind of attachment for this one principle, and I hate to give it up. I know that in the state of Iowa the Hon. Judge Kinney decided that the voting of these bonds was unconstitutional, that was re-affirmed by the supreme court of the United States.

Mr. STRICKLAND. Mr. Chairman. I do not intend to make a speech, but rise simply to explain my vote. I live in a county where we have railroads. I think we now have about as many railroads as we want, but, I say that there are counties west clamoring for railroads and I am willing to give them the same privilege which we have enjoyed. I have watched closely the argument of the gentlemen. Why, sir, the great Pacific railroad is built upon your land and mine. The United States government has given away your property, and given bonds that you will have to pay for the building of that road and other great improvements. Why, you have to help pay for exploring the Amazon river, and isn't it right? What is a railroad? It is a superior

kind of road. Does one man build the church? Not so, but the community for the community, and so with school houses. Now, the argument of the gentleman who has just taken his seat is not an argument that will bear examination. It is true, in the old settled states, when two great cities want to open up a highway of this kind between them they can do it. But, today in the west the railroad is the pioncer. There were some communities in Indiana where corn was worth only ten cents a bushel, they could not get it to market, and what was the land worth? $1.25 per acre, and wild hogs running around eating acorns, but today the great Ohio & Mississippi railroad runs through that country and produce is worth as much there as it is any where. Fine school houses are dotted all over it, and churches with their spires pointing towards heaven. Why, a gentleman was writing from Canada to a Chicago paper and it was published in the Omaha Tribune, and he complained of some parts of Nebraska because it was too far from the railroad, and don't we need to encourage railroads? Don't we understand how this is to be had? It was wanted to dig a ditch through the state of New York. It was done, and now seventeen grand manufacturing cities stand upon the borders of that ditch. When the people undertook to open this line running from east to west through the state of New York, they put their hands into their pockets and built it, and does it not add to the worth of the country? Why, what has made Omaha what she is today? The men of Omaha went down into their pock to retain the capitol there. When Pacific railroad was to be built t went down, deep, down to make t the initial point of that great th oughfare, and again they went do for the bridge. For the Southwe ern, and the Northwestern railroa These are great enterprises that one man can build. Or if he co he would not without help from people, and he ought to have it.

Why, sir, the gentleman ta about the old state roads which people make and he can pass o them without having to ask, or any man. If the gentleman wa to he can ride in the old covered w on, or he can go afoot if he wants but it is pleasanter to go in y nice carriage, perhaps you think, w your fine horses, but I think it much nicer to have the "iron hor hitched to your carriage. Is it fi to ride with a nice horse and bug or go in the cars forty miles hour? How are we to get these terprises? Let the community, i wants to, exercise its own discreti its own judgment, its own good w I say there is no power on the f of God's green earth that goes al parallel with civilization, that have a right to tie the hands of a tle county with 150 voters, that have 1000 a year from today; thi around rules; prescribe regulatio so that they can never let the d light of civilization in by havin railroad through their county. W right has the gentleman from C (Mr. Mason) to tie the hands of coming millions? I believe in

ing a little modest about this thing. After the county, I, in part represent has had the benefit of this system, I am willing to leave those gates open to the people in coming time, who will have as good judgment as we have today. Let them say for themselves what they want. For that reason and one hundred thousand others I could give, if time permitted. I am for railroads and progression, for school houses and churches, and for every other enterprize I see going on today in a civilized land.

Mr. HASCALL. Mr. Chairman. I am not able to express myself as clearly and eloquently as gentlemen who have preceeded me upon this subject, but consider it my duty prior to voting to make a few remarks in explanation of the vote I shall cast on this occasion. I think, as has been remarked, it is conceded by a majority of the members present, that this question will be submitted to the people and probably submitted in about the shape the committee reported the article to the convention, and, with the decision of the people on that point, we ought all to feel content. I am opposed to inserting this two-thirds provision in this article. I think three-fifths is a safe rule, it is as legal and proper if decided by a majority as if decided by three-fifths, or two-thirds or three fourths. This has been spoken of as not containing an abstract right. Who has claimed there is any abstract right connected with it? Who has argued it upon that principle? When we speak of abstract rights we refer to inherent rights, and government gets such rights as the community that forms the government gives them, and no more. There are certain inherent rights of individuals, but governments are formed by individuals yielding some of their inherent or abstract rights for the benefit of the community in which they live. With regard to the right of government to be so formed as to tax for the general advancement of the community. When we put in our constitution a provision that a majority of the people for the benefit of the community or government, or for the advancement of the state may vote taxes, then it is a legal right the government has to enforce the collection of those taxes, imposed as a question of policy by a majority of the people composing the state. Now, if a majority of the people have adopted a form of government, who is going to rise up here and talk about abstract rights of individuals? It is useless to talk of that, because, if those individuals are part of the state, members of the state, and that government is formed upon true republican principles, that is by the voice of the majority, they must acquiesce in its legal right to impose it. This is a question of policy for us to determine, and then submit our determination to the qualified voters of the state to say whether we have incorporated the right policy. I claim that it is a right policy to give three-fifths of the inhabitants of a county or a municipality the right to tax themselves for the advancement of the community and the state in which they live, under proper restrictions. Now, I claim this section does place proper restric-

tions and in that light I claim we have pursued the right policy. I would be opposed to the state giving a bonus, as a state, because one portion of the state might see fit to require a bonus from the whole state to advance a locality; therefore, I like this principle better, because it requires the money to come from the locality that is benefitted. This New York and Erie railroad has been referred to. That was a local work. That concerned the southern part of the state of New York and is 400 miles in its extent, and the state gave a bonus of three million out of its treasury, and we never heard of the people there groaning over it. They have done by themselves just as they do when they bring their capital into western country, and when they come they ought to have the same inducements, and if localities wish to vote this aid, they should have the right under proper restrictions to give that aid. Every town and every county of the state is seeking for railroads, they believe it to be a good thing and are not private corporations in the strict sense of the term. It is true the individuals that compose it are private individuals and from what is termed a private corporation, still in the construction of the road and running it it is quasi public and has been regarded as such by all the jurists in the land. Individuals have certain rights to go upon the cars; legislators take the liberty to regulate these things. Why? Because it is quasi public. We induce capitalists to come here and build their roads, and we induce railroad companies to come here and start these enterprizes, and the moment they start a few miles of road you try to create a feeling against them. I will go as far as any one to keep corporations or rich men in their proper places, and have the courage to do it under all circumstances, and while I am in that situation and entertain those views I will never do a rich man an injustice, because he is a rich man. A railroad company, simply because they happen to be a corporation, as the gentleman from Otoe (Mr. Mason) says without a soul and a heaven to attain or a hell to shun. The gentleman has a very happy figure he often refers to, sometimes it comes in very nice. I like it here. "If you catch a dog, clip his ears, furnish him with a brass collar and his name on it, and set him up as a doggish production, are you not bound to stand by the dog?" That is a good proposition and I admire it. If you induce railroads to come here, set up in business, establish an office, get a name and build the road, as long as they are not biting anybody, are you not bound to stand by them, just as a man is bound to stand by the dog if the dog does not bite anybody? We have proposed restrictions here upon railroads, probably as safe as any restrictions ever imposed by any state upon railroads, and I undertake to say what we put in this constitution are restrictions, and not provisions to aid railroads. My colleague (Mr. Myers) has often referred to the beauty of majorities, he seems to take a little different track now. He has often suggested here he felt bound by the action of majorities,

and when we propose that anything should be carried by more than a majority he says it is against the principle of our republican institution. The gentleman from Otoe (Mr. Mason) tries to get the good will of the poor man, and, after, will kick the poor man for the prospects of getting the good will of the rich man. In the first place he says if you allow this proposition, some man worth a hundred thousand dollars will only impose a tax upon money and property, and skin him of all his property, take away all he has and send him forth into the world as a beggar. Then, in almost the same breath he turns round and speaks of the poor, lazy, drunken men in Nebraska City who would be the only men to vote for bonds. I do not regard it in that light, but that every man is interested to the extent of his property, and because a rich man is worth one hundred thousand dollars there are no more burdens put upon him than there is upon a man worth ten dollars. I know that the gentleman, upon a former occasion, said it was almost as great a burden in referring to the tax on the poor widow who had property on a street opposite the rich man. If you levied the tax on her, her all was gone, she was in poverty and rags, and she and her children were thrown upon the world, outcasts. He shed crocodile tears and looked around for sympathy; then more tears followed, and in a little while that part of the hall where he stands was all wet. (Laughter.) It is not necessary for me to follow the gentleman through all his argument. He is eloquent and we all like to hear him, but like other great men he has great faults. (Laughter.) But he is so inconsistent that if we follow him we all go down. Therefore, we tolerate him and thank him for his glittering science. But when he gets into details he goes by the board. (Laughter.) And the convention has to take the counsel of we dull, slow-plodding men, for the details. But when we want the sparkling jewels we send for the great orator from Otoe. (Laughter.)

Mr. SPRAGUE. There has been a great deal said upon this question, although I had supposed, from the action first taken by the committee that these questions were to be submitted without discussion, but I have been disappointed and therefore have a few thoughts to offer, and for fear my people might think I sat by silently and did not raise my voice in behalf of what they believed to be right, I propose to make a few remarks for that reason. It has been urged here by several members, the gentleman from Douglas, (Mr. Strickland,) being one, that you might just as well say you could not tax the people for the purpose of building a bridge as to say you had no right to tax them for building a railroad. Now, let us see whether those cases are parallel. I stop and ask the gentleman when they tax for the purpose of building a bridge, who owns that bridge? Is it a private corporation, or a quasi-corporation, or anything of that kind? Or is it the entire public who own that bridge? If so large a body has an interest and everybody has the right to pass. But

how is it with the railroad? Is such the case with that? Not at all. The rule does not work, gentlemen. And the gentleman, my friend from Gage (Mr. Griggs), sets it upon the question of abstract right of taxation of the people. You might say we had no right to tax people for building school houses. He, as a member of a certain school district, owns a part of a school house. He has a voice in saying who shall teach and who shall not.

Mr. GRIGGS. I do not say that those who live in the district have no right to tax; but those who live in another state who have no voice in the management of the school.

Mr. SPRAGUE. If the gentleman would say we had no right to tax anybody who did not live in the district, or own property, then the illustration would be parallel, but not otherwise. As a member of that district he has to say whether the people shall go together and tax themselves for the purpose of building their own property, but they know no right that persons living outside, or have no property in that district, shall be taxed for the purpose of building a school house for them. And so it is with the railroad question. The people have no right to say whether I shall engage in a certain kind of business with my capital or not. If they have not that right shall they say money shall go for the purpose of building a railroad for somebody else to manage, in which I can have no voice, lot, management or control whatever. If they cannot say what business I shall engage in with my own money, shall they have a right to take my money and put it under the control of others among whom I can have no voice? These illustrations are the reverse. In the one case I have the right to say, as much as anybody else, what shall be done with the school house which we tax ourselves to build; in the other case, the man is taxed for the building of these roads and has no voice. These cases should not be used when they are not parallel. Mr. Hascall says we are not arguing these questions upon abstract right. Now, sir, I think that is the exact ground upon which we should argue this case. We are either recognizing or not recognizing abstract rights in this, the fundamental law, which we propose the people of this state shall adopt; and if we do not recognize, in this fundamental law, these questions of abstract right, the people will put their veto upon the constitution. I ask any gentleman to tell me whether one or two or a dozen persons shall vote to compel me to place my means into that which I do not wish. That is the question of abstract right; and the question we should talk about. I want that this question should be recognized here, and the people understand and say that you have no right to compel a man to place his means where he does not want. Hence, I am in favor of the two-thirds rule.

Mr. KIRKPATRICK. I, as a friend to the report of the committee, desire to say a few words. I first say that I believe the propositions submitted by the committee are fair and right. There are two reports, one is placing in the constitution a provision to regulate the voting or granting

municipal aid to corporations with certain restrictions. The simple proposition is. that no aid shall be voted to a private corporation to make works of internal improvement unless by a vote of the people. That, sir, puts it beyond the power of official officers of a city or the board of commissidners of a county to grant aid without having been submitted to the voters. And it also requires, before it could be voted to a railroad that the line of the road shall be definitely located. Now, that is certainly a wise provision and, I would, at any rate, go the length of this, sir.

This provision requires that three-fifths of those voting upon the proposition shall vote in favor of it. It is found that those in favor of a proposition to be submitted to the people are always active workers. They canvass among the people, and show them why their proposition should be carried. It may be said, sir, that those opposed to the proposition may work, but, sir, they never do. These men are generally luke warm. They don't feel the interest in the matter that those in favor of carrying it do. You submit a proposition to vote bonds, as was the case in this city a short time since; why, sir, those in favor of voting these bonds flocked to the polls and those opposed did not. Why, a gentleman upon this floor said he was strongly opposed to these bonds and was anxious that they should not be carried. yet, he forgot to go and vote.

Now, sir, there is another reason why this proposition is just. No railroad that has been built or expecting to be built shall receive aid from counties except by a three-fifths vote. There are some who are only benefited by railroads being built, to the extent of this general benefit which accrues to all, while some are especially benefited. I have but little to say upon this question of abstract right. This question has been discussed by other and abler men. One side takes the position that you have no abstract right to vote money out of a man's pocket, and put it into another man's pocket. Then an other who take the position that you can do this. It is claimed here, that railroads develop the country. I suppose, sir, there is a general concurrence upon this question; but, Sir, because they do all this, because they build up the country, and help the country, is that any reason why I should be taxed to build them? I am willing to concede all that these railroads have done to build up this great west; but sir, I want to examine this proposition that these gentlemen have brought up here; that if a majority have no right to force the minority to build railroads they have no right to force them to build up school houses, jails, or bridges. Now, sir, it has been shown by the gentleman from Saunders, (Mr. Sprague) that these school houses, court houses, jails, etc., are the property of the county. They are necessary to the county—improvements which every citizen has a right to have made, and by which all are benefited. In the other case you take money from a man's pockets and give it to others. I am willing, sir, that the people of this state shall decide this question

and am in favor of submitting two propositions—one prohibitory, and the other to allow the people to vote bonds. I believe that is Mr. Boyd's proposition.

Mr. BOYD. No, sir, That is a mistake. I said I was willing to submit a proposition to vote 10 per cent. of all the valuation of the county and let the majority of all the legal voters in the county settle the question.

Mr. KIRKPATRICK. Mr. Chairman. I will say right here that I have helped carry bonds for a railroad company, and I have regretted it ever since I helped carry bonds in the county I lived in, in Iowa. Sir, that county owes today about $300,000, and, sir, it is a lien of $7.00 per acre of land in the county, imposed by the railroad company. I also voted for bonds in my own county—Cass. There was only two votes in our county against the proposition to give the B. & M. railroad aid. But then some people have been benefited very much by this raid, and I ask, is it fair to tax us all alike to build the road? I think the proposition submitted by my friend from Douglas, (Judge Wakeley) is a fair one, and I shall support it.

Mr. ROBINSON. Mr. Chairman. I have been told here about half a dozen times that nothing which may be said will change a single vote in this convention. This may be true, but I have a few words to say, for all that. We are told here, that the levying of this tax is not similar to levying a tax to build school houses. Now, sir, I claim the cases are exactly similar. Sir, it is perfectly competent to tax people to repair a bridge, or to build a new one. But put it in another shape. Instead of levying this tax to keep a bridge in repair, you say to A "you may take this bridge and charge a certain fee of all who cross, on condition that you keep it in repair." He takes charge of the bridge, and those who cross----those who are benefited pay for crossing. No man who pays the fee can be prohibited from crossing, and, sir, this is true of a railroad—every man who is able to pay his fare is allowed to ride over the railroad. They cannot refuse. I don't think there is any doubt but that the government has a right to build bridges, and say to this man, or that, "you take charge of this bridge, keep it in repair and charge the people who use the bridge for the privilege."

If I have been told once during the progress of this discussion, I have been told a dozen times, that nothing could be said upon this subject which would have the effect to change a single vote. That may be so. But notwithstanding gentlemen have made up their minds, I think there are some positions taken by gentlemen here, that ought to be refuted, and some additional considerations why the section as reported should not pass, that ought yet to be offered, for the especial benefit of gentlemen representing the western and unsettled counties. I shall proceed first to the business of refutation. The question is, whether it shall require three-fifths of the electors to vote aid to railroads, as the reported section proposes, or a majority only, according to the amendment. Some gentle-

men here, who oppose the amendment with much bitterness, take a radical ground, hostile alike to the amendment and the original section. They maintain that it is wrong in principle for a majority however great to vote a tax upon a dissenting minority however small. They take a high moral ground, abandoning altogether the humble and vulgar walk of expediency If this be true, if it be wrong in principle as they assume, then, there is an end of argument. But, it seems to me, it ought to have occurred to these moral philosophers that a matter so material, and so decisive of the question of debate, might need some proof to minds less susceptible to the influence of moral truth If frequent repetition and loud reiteration are to pass for proof then this position has, I admit, been made invulnerable But I am not quite ready to concede so much.

Taxation, we are told, can only be rightfully exercised for the necessary purposes of government, and that every extension of the taxing power beyond this object is tyranny, however speciously disguised. This is a beautiful generality and glitters with the best of them By this quality of necessity which is required to enter into the purposes of government in order to make taxation legitimate, are we to understand strict, absolute necessity? Is that what gentlemen mean? Or, are we, on the other hand, to understand a relative or conventional necessity? Now, relative or conventional necessity is but another term for expediency So if the proposition is to have any force at all, strict necessity must be meant. But if strict, absolute, necessity must enter into all the legitimate purposes of taxation, what are we to do with roads, highways, bridges, public buildings, schools, school houses? Are we to dispense with these? Can it be maintained that a public highway is a necessity in this sense? I apprehend not Let those who desire to travel, make their own roads. I do not desire to travel. So with bridges—when I desire to cross the stream I will find the means It is not right to tax me to support a bridge for the convenience of other people. Let government afford me a sufficient protection from thieves and robbers, enable me to collect my debts and keep out foreign invaders. For this I will pay taxes, but nothing more Now, sir, this is the argument so vauntingly displayed, pushed to its legitimate results. I am of course willing to admit that, in a certain state of progress, a common highway is more indispensable, more necessary than a railroad. A small amount of travel, a low state of commerce would not demand a railroad, while it might demand a highway. Again travel and trade might be so low as to make even a highway unnecessary In the one case it would be inexpedient to build a railroad, in the other to build a highway. This, I think, is sufficient to show that the quality of the necessity which ought to enter into the purpose of taxation is wholly conventional, and the question whether or not the tax ought to be levied for a given purpose wholly a question of expediency. Where a tax is levied upon all for a purpose which is exclusively for the benefit of a

portion of the community—that is wrong; but that case is not this case nor resembles it. This if not sufficient to rebuke those who maintain that this section is radically wrong, is at least sufficient to suggest how it may be done. It is sufficient to show that what is necessary in respect of the purposes for which taxes may be levied varies in different communities and in the same community in different stages of progress. That if a highway is necessary today for the purpose of trade and travel so as to justify a tax for the purpose of making one and keeping it in repair, next year, or in fifty years, a railroad may be just as necessary.

And, now, sir, I propose to examine another position which has been taken here. It is maintained by those who hold with me that this is a question of expediency, of local policy, that if it is right to levy a tax to build and maintain a bridge then it is equally right to levy a tax to build or maintain a railroad. The gentleman from Saunders (Mr. Sprague) contends, on the other hand, that there is a radical difference, that a bridge is a public matter, is for the benefit of all, and free to all who wish to use it; while he who travels on a railroad is bound to pay the company a fee for the privilege. I apprehend that this view is superficial, that the distinction between a bridge and a railroad in respect of their public character is in a great measure accidental. I think wholly so. Suppose, sir, that the travel between here and Omaha or any other point would justify the building of a gravel turnpike. Would it not be competent, sir, for the government to levy a tax to build such a road for the convenience of the public; and equally competent for the government to charter a company and give to that company the right to levy a toll upon every person who traveled over the road, upon condition that the company would keep such road in repair. This is not an imaginary case, it is a common one in some countries where good roads are a luxury on account of a heavy travel. Now, sir, it must always be a simple question of expediency whether government will build and maintain its own roads or give it in charge to individuals or corporations to do this. It is simply a question of dollars and cents. It would be competent, no gentleman here will deny, for the government to build and maintain a railroad and levy a tax for that purpose. Why does not government do so? Simply, because private corporations give us better roads for less money. A railroad built and maintained at the public expense would be a costly thing indeed. It sounds well, to say a man could travel over it free of charge, but when tax paying time came he would find that he had not only to pay for his own rides, but for the rides of many others who pay nothing. So to say that a bridge or a highway is free when I am taxed to build and maintain it is untrue. What is the difference whether I pay a fare every time I pass (as on a railroad) or buy a ticket for a year in the form of a tax receipt by paying a round sum on the first of May, and that, too, whether I travel or not? The difference, if any, is in favor of rail-

roads. There only the traveling public pay the fees It may be urged that the railroads charge more than enough to maintain the road, and this I am ready to admit. The capital invested is enormous and not only the expenses of running and repair must be earned by the road, but a profit on the capital invested. But so it would be, if the public built the road and maintained it For I know of no essential difference to the public between investing capital of its own on which it receives no profit and paying to another a profit on an equal capital of his. Suppose, for instance, a public bridge is built for five thousand dollars and that it costs the public one hundred dollars a year to maintain it. The public is out each year, not one hundred dollars merely, but this and the profit which five thousand dollars would earn So the public loses nothing by paying the railroad a profit on its capital in the way of fees unless that profit be exorbitant Now, not to make too many side-issues to this discussion I would simply remark that the public may protect itself against paying an exorbitant profit by proper legislation So much for the bridge business of my friend from Saunders

And now having done with the business of refutation, and having, I think, shown this to be a matter of expediency only, involving no moral considerations, I shall proceed briefly to show why this power with certain limitations ought to be granted to the counties, and left to a majority of the voters. I shall do this indirectly, rather than directly. I shall postulate that railroads are great public benefits, and shall attempt to show that to secure these benefits the counties of this state, especially the western counties, may well afford to levy taxes which in other countries would indeed be ruinous

Sir, without a great financial crash like that which smote the land in '57, which came so near depopulating many of the more western states, I think, I may safely say, that population in the western half of our state will double every year for the next ten years Capital will increase at a more rapid ratio. Now, although ten per cent on the valuation is an enormous tax for any purpose, two things are to be borne in mind which should lessen our fears The first is that ten per cent. is only the potential assessment. We do not provide that it shall be ten per cent, but that it shall not be more Few counties will go so far as ten per cent. Second, whatever tax may be levied, whether five or ten per cent will be that only for a moment and will be constantly growing less by the influx of immigration and capital.

Mr Mill in the fifth edition of his work on political economy, in illustrating the distinction between productive and unproductive labor says that even productive labor may render a nation poorer if what it produces is not wanted, as when men build docks and warehouses when there is no trade. He says (alluding to Ohio, Indiana and Illinois) "the bankrupt states of North America with their premature canals and railways have made this mistake," and

(alluding to the number of railroads which obtained the sanction of parliament in 1845, but which were never built) "it was for some time doubtful whether England had not followed the example." Now, sir, there is no doubt that had all the railroads sanctioned and contemplated in England in 1845 been constructed within the time fixed, inevitable ruin would have been the result. Mr. Mill's prophecy would have been verified. Neither is it to be doubted that the number of railroads projected and actually completed in "the bankrupt states of North America," mentioned by Mr. Mill, far exceeds the projected railways of 1845 in England, in proportion to the wealth and population of the two countries. Yet Mr. Mill's prophecy as to these states was wholly refuted. Now, what was the reason of this? Why was it that Illinois could compass an enterprise greater in proportion to her resources than England could? There is but one answer. Immigration. She was not obliged to wait upon the slow process of production to which the wealthier country was confined. The stream of immigration was a stream of wealth on which she confidently relied and the event justified that confidence. Her railroad enterprises gave impetus to immigration, immigration gave impetus to railroad enterprise. Today the face of the country in that state presents a perfect network of railroads that indicate the veins in which her rapidly increasing commerce flows. Mr. Mill, with all his knowledge, gave too little weight to this circumstance. It made all the difference in the world. Without it no doubt these states would have been bankrupt. The projected railroad enterprises of this county or this state are not numerous nor heavy; yet, I venture to say, that without the prospect of immigration, they never would have been proposed, and without its coming never can be completed. Certain bankruptcy would swallow us in two years, should immigration cease. But it will not cease. The stream is steadier than ever it was before. We can afford to draw upon this prospect, a tax of ten per cent. now will soon be but five per cent. and will go on decreasing. The very fact that such enterprises are in progress will increase immigration and insure the speedy liquidation of the debt. We are told that railroads will come when they are wanted, will come as soon as the state of the country justifies it. Yes, sir, they will, but not till then. If we had nothing but our own resources to rely on, such an argument would be conclusive. But, I insist that having other resources, we are enabled to anticipate and are blind and false to our best interests when we fail to do so. Illinois it is said has tried the aid system, has at last got sick of it and has solemnly interdicted it in her organic law. Does such an argument need refutation? If so, then first, the stream of immigration into Illinois has well nigh ceased, aid, if granted must be granted by those who are there, not by those who are coming there. Second her capitalists, numerous and able stand ready to supply her when she needs another railroad. Third, it is easier to build one there and cheap-

er because she has so many to transport materials. Fourth, her future railways will be but branches—ours must be independent lines, enterprises of more risk and of slower returns So much in favor of the proposition generally And now, sir, a few words in favor of my amendment, to strike out three-fifths and insert a majority, and I have done

In the first place Mr Chairman, let me remark that I am astonished, that gentlemen, Christian gentlemen of the 19th century, who maintain that it is morally wrong to vote aid at all, unless unanimously, are yet willing to compromise their scruples, are more anxious to have the wrong done by three-fifths or two-thirds than a majority Why, sir, if morally wrong in a bare majority, is it not equally wrong for any number, short of the whole? If three-fifths are required to vote for a proposition before it is to carry, why not hold, that one dissentient voice shall defeat the proposition? If it be unjust for two thousand five hundred and one men to vote a tax on two thousand four hundred and ninety nine, is it not equally wrong and unjust for four thousand nine hundred and ninety-nine to vote a tax on one? I contend that there is no difference in principle Between a majority and an unanimity, no number can be hit upon for which any good reason can be given I am accused, sir, of having changed my views on the subject of railroads. A few days ago, it is said, I was in for binding them up and for making them pay damages I apprehend Mr. Chairman, that there is no inconsistency in requiring these corporations to be kept within bounds, in compelling them to obey the law and in proscribing their extortions on the one hand, and on the other hand in favoring and fostering them so far as it can be done with these limitations. If so, then let it be. And, now, sir, let me call upon gentlemen from the west to note who they are that talk so loud against the amendment Find me a man who is opposed to the amendment and I will insure him to be opposed to aid altogether On the day when this constitution is to be voted up or voted down, you will find him and his friends, voting in solid, for the majority proposition, the separate article which prevents any aid, and you will find him a resident of the river counties where they have their railroad enterprises for the present complete.

Mr. ESTABROOK. Mr. Chairman. As far as I am concerned I have no desire to grapple with the idea of whether a county can, according to the spirit of the constitution of the United States, or the constitution of this state, as it is and as it ought to be, enforce a provision of this kind. This voting away money of the county to railroad corporations to run their railroads in the vicinity, commenced I think, in Iowa I think perhaps that the effort to re examine the ground of paying these bonds was commenced in Michigan Judge Cooley gave a very convincing argument upon this subject and I am satisfied his ground is correct. I subsequently had a long rambling conversation with Judge Dillon on the subject and he deemed the opinion to be correct.

When I am constrained against my will to give up my substance, pay taxes to aid these railroads, it, in my estimation does violation to the spirit of constitutional law. The constitution of the United States provides that "private property shall not be taken for public use without just compensation." If this matter can be so arranged in our constitution as that we might peradventure lend our credit, or bonds, if you please, for these roads, I wish to throw no obstacle in the way of these great enterprises myself, I will leave that with the people. I shall vote against the whole thing as I consider it unconstitutional.

Mr. THOMAS. Mr. Chairman. I merely wish to say something in explanation of the vote I shall give. I agree with the gentleman who last spoke that this matter is wrong in principle, it seems to me that governments were not instituted for any such purpose, only for the purpose of governing. I cannot see where governments can derive the right to tax people for the purpose of building up private corporations. I can see no difference in taxing a whole county for building a mill, manufactory or hotel. It does not follow that because a railroad is a benefit to a county, that, therefore, the taxing power can be exercised for that purpose. I understand that a railroad is so far for public use that the right of eminent domain may be exercised for the purpose of condemning property for the right of way for a railroad, but I do not believe that it is so far for public use that the power to tax may be exercised for the purpose of building that railroad, but, as has been said, it would take a long time to present all the arguments for or against this power of granting aid to railroads; the only question is whether it is better we should require a vote of three-fifths of the voters or a vote of a majority. I would be in favor of requiring a larger vote than a majority, if it was more than three-fifths. I would be in favor of it as the report came from the committee. For these reasons I shall vote for three-fifths.

Mr. LAKE. Mr. Chairman. I believe that the report of the committee is as near right as the article can be made. I think it is too late, Mr. Chairman, to take the ground that it is not legal to authorize municipal aid to railroads or other corporations. It has been decided over and over again that such aid may be collected, such promises may be enforced, taxes assessed for the purpose of paying interest on the bonds and for the purpose of paying the bonds themselves, may be levied and legally collected. All this is true, the only question for this convention to determine is whether it is best to permit the people of the state to extend this aid. Now, sir, in the eastern portion of the state most of the counties have extended aid in various ways either by the people of the counties themselves taken as an entirety, or in cities instituted therein, to railroad companies aid. I say, aid of this kind has been extended to the people, and in consequence of extending such aid they have secured to themselves loans of importance to themselves and to the people of the entire

state. There is no question about the legality and constitutionality of the proposition, if we provide for it in the constitution itself. I take it there is no lawyer upon this floor although he may take the grounds that it is against the public policy and against morality, etc., to extend this aid or to permit municipalities to extend this aid—I say there is no lawyer who will take the ground that it is not perfectly legal and constitutional to do so, and that its constitutionality and legality are sustained by the decisions throughout the United States. The weight of authority is decidedly in favor of that proposition. That being so, I think the case is well put by the gentleman from Nemaha, when he says the question as to what is best in respect to the limitation upon this authority as to what restrictions shall be imposed upon municipalities, whether a three-fifths majority vote, or a larger majority than three-fifths shall be required in order to authorize the giving of the aid. I believe, myself, that a majority ought to be in favor of a proposition in order to permit the levying of a tax for these purposes. I think that a majority is sufficient for the very good reason mentioned by the gentleman from Cass. It is well known there are a great many in every community who do not pay a dollar or a penny tax, who are willing to vote burdens upon the taxpayers of a community ad libitum, because they are not affected thereby, and they may be benefitted by one way or another by the imposition of the tax. Therefore, I am in favor of requiring more than a mere majority of the people in favor of a proposition before it shall be considered carried. This will, in a measure, obviate the difficulty which communities labor under by reason of these irresponsible voters. It will enable the people to obtain an expression of the tax payers, of those who are most interested in the vote of the tax. I am inclined to think, however, that a three-fifths majority is sufficient for these parties, and that having been agreed upon in committee and that being the terms of their report, I am in favor of sustaining their report, and believe that all safeguards which are required in this respect are provided for in this section. There is one idea further that I find expressed in this section that I am not entirely satisfied with. The section would suit me better if it provided absolutely that no city, county, town, precinct or other municipality or other sub-division of the state should ever become subscriber to the capital stock of any railroad or other private corporation. If I could have it my own way I would have this provision absolute. I would not permit any municipality, city, county, or sub-division of the state to become a subscriber to capital stock whatever, not even by a vote of the people. But this is placed upon the same footing with the extending of aid, and although, personally, I have objections to it I will not urge them here. If it is the sense of the majority of this committee that they should be permitted to subscribe to the capital stock of private corporations, so be it. I trust, therefore, Mr. Chairman, that the proposition of

the gentleman from Lancaster (Mr. Robinson) who proposes to amend this section by allowing a majority to vote this aid, will be voted down, and that we will adhere closely as possible to the provisions of the article as reported by the majority of the committee. I am in favor of the report of the majority of the committee, as I find it here.

The amendment to the amendment was not agreed to.

The amendment to strike out three-fifths and insert a "majority" was not agreed to.

The section was adopted.

The Chairman read the next section, as follows:

Sec. 2. Nor shall aid be given to any railroad company or for the construction of any railroads, or any indebtedness be created or contracted for such purposes, unless the line of the railroad shall have been definitely located and shall be specified in the proposition voted upon.

Mr. LAKE. I move to strike out the word "or," in the first line, and insert "nor."

The motion was agreed to.

Mr. ROBINSON. I move that the amendment I offered be attached to section two instead of one, and that it shall all remain one section.

Mr. MYERS. I move that the committee rise, report progress and ask leave to sit again.

Mr. GRAY. We have now come to section one of the minority report, and I move "that the committee of the whole, when it rises, report the minority report of the committee on state, county and municipa indebtedness, with the recommendation that it be submitted as a separate article and if the same shall receive a majority of all the votes cast for the constitution, then said article shall be an article, part of the constitution on the subject, and take the place of the article reported by the majority of said committee, the said article reported by the majority of the committee to become a nullity, but if said article to be independently submitted shall not receive a majority of the votes then said article so reported by a majority of the said committee shall be and remain in full force and effect."

Mr. HASCALL. I claim that that resolution is out of order for the reason that all propositions looking to the frame of the constitution shall be referred to a standing committee, and referred through that committee to the convention and acted upon by the convention; and if that motion seeks to regulate the framing of the constitution then it must be referred to the schedule committee.

The committee divided and the motion of Mr. Gray was agreed to.

Mr. MASON. I now move you that when the committee rise it recommend to refer this separate article, together with the resolution which has been adopted by the committee offered by the gentleman from Dodge, to the committee on schedule.

The motion was agreed to.

Mr. MAXWELL. I move that the committee now rise, report the article back to the house, and recommend its adoption.

The motion was agreed to.

Mr. SHAFF. Mr. President. The committee of the whole have had under consideration the report of the committee on state, county, and mu-

nicipal indebtedness, and report that the article with the resolution be referred to the committee on schedule.

In Convention.

Mr. GRAY. Mr. President, I move that the convention now take up the report we have just had under discussion in the committee of the whole.

Motion was agreed to.

The secretary read the article, as follows:

ARTICLE——

Section. 1. No city, county, town, precinct or other municipality or other sub-division of the state shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation thereto, or aid in the construction of any railroad or work of internal improvement, or create or contract any indebtedness for any purpose herein specified, unless a proposition so to do shall have been submitted at an election held by authority of law and three-fifths of the qualified electors voting on said proposition shall be in favor of the same.

Such indebtedness, inclusive of any and all similar indebtedness whensoever created, shall not at any time exceed ten per cent. of the valuation for taxable purposes of such city, county, town, precinct or other municipality or sub-division of the state contracting such indebtedness.

Nor shall any aid be given any railroad company or for the construction of any railroad, or any indebtedness be created or contracted for such purposes, unless the line of the railroad shall have been definitely located, and shall be specified in the proposition voted upon.

Mr. ABBOTT. Mr. President. I move to amend by striking out all from the word "railroad" in the 3d line, down to the word "or," in the same line.

The PRESIDENT. The question is upon the motion to strike out.

The amendment was not agreed to.

The PRESIDENT. The question is upon the amendment offered by the gentleman from Lancaster (Mr. Robinson) adopted in committee of the whole, which is to be added to the section, and which reads as follows: "Nor such indebtedness exceed $5,000 per mile for any proposed railroad and in no event to be payable until such railroad, or a part thereof shall be completed, ready for the rolling stock and only in proportion to the part so completed."

The amendment was agreed to.

Mr. ABBOTT. Mr. President. I move to amend by inserting after the word "improvement," in the third line. the words "owned or controlled, in whole or in part, by any person, association, or private corporation."

The PRESIDENT. The question is upon the amendment offered by the gentleman from Hall (Mr. Abbott).

The amendment was not agreed to.

Mr. ROBINSON. Mr. President. I move to amend by inserting after the word "improvement" in the 3rd line, the words "owned or controlled in whole or in part by any individual, or private corporation, or association."

The amendment was agreed to.

The PRESIDENT. The question is upon the adoption of the section as amended.

The secretary read the section, as follows:

Section 1. No city, county, town, precinct or other municipality or other sub-division of the state shall ever

become subscriber to the capital stock of any railroad or private corporation, or make donation thereto, or aid in the construction of any railroad or work of internal improvement owned or controlled in whole, or in part by any individual or private corporation or association, or create or contract any indebtedness for any purpose herein specified, unless a proposition so to do shall have been submitted at an election held by authority of law and three-fifths of the qualified electors voting on said proposition shall be in favor of the same.

Such indebtedness, inclusive of any and all similar indebtedness whensoever created, shall not at any time exceed ten per cent. of the valuation for taxable purposes of such city, county, town, precinct or other municipality or sub-division of the state contracting such indebtedness.

Sec. 2. Nor shall any aid be given to any railroad company or for the construction of any railroad, or any indebtedness be created for such purposes, unless the line of the railroad shall have been definitely located, and shall be specified in the proposition voted upon. Nor such indebtedness exceed $5,000 per mile for any proposed railroad, and in no event to be payable until such railroad or a part thereof shall be completed, ready for the rolling stock, and only in proportion to the part so completed.

The section was adopted.

Mr. THOMAS. What I wish to know is whether this means to refer to the county building bridges or to corporations only.

Mr. KIRKPATRICK. I think it was the intention of the committee to refer to corporations.

The PRESIDENT. The question is on the amendment offered by the gentleman from Lancaster (Mr. Robinson) adopted in the committee of the whole.

The convention divided and the amendment was agreed to.

The PRESIDENT. The question is on the adoption of the article as amended.

Mr. WAKELEY. I am inclined to think that the suggestion made by the gentleman from Hall (Mr. Abbott) is worthy of some consideration. With a view to examining that I would favor a postponement until tomorrow morning. The object was not to compel a vote upon the building of bridges or any of that kind of improvements. I move that the article be postponed until tomorrow morning.

The motion was not agreed to.

Mr. MANDERSON. I move to insert the words "other like" before the word "work" in the third line.

Mr. ROBINSON. I move an amendment to to be inserted after the word "improvement," the words "owned or."

Mr. MANDERSON. I will withdraw my motion.

The PRESIDENT The question is on the amendment offered by the gentleman from Lancaster (Mr. Robinson.)

The amendment was agreed to.

The PRESIDENT. The question is on the adoption of the section.

The section was adopted.

Mr. HASCALL. I move that the minority report of the committee on the state, county, and municipal indebtedness together with the resolution offered by the gentleman from Dodge (Mr. Gray) be referred to the committee on schedule to be submitted as a separate article.

The PRESIDENT. I think this

ought to be acted upon in the convention before being referred to that committee.

Mr. HASCALL. It will come up for action when reported from the committee on schedule.

The PRESIDENT. The question is on the reference to the committee on schedule.

Mr. MASON. I hope that this article will be considered now in convention I think we have arrived at the conclusion that it should be submitted as a separate section. It may die for want of time if refered to that committee.

Mr. HASCALL. Mr. President. If I recollect aright the gentleman was the very first to vote for the resolution of the gentleman from Dodge (Mr. Gray). Now the object is not to kill this but it simply goes to the committee on schedule and is reported back here for the action of this convention, and it is not to be supposed that this convention is going to adjourn until it has fully considered the propositions reported by the committee on schedule.

I move to commit the gentleman's motion to that committee, and, sir, had I the agility of some gentlemen to belong to two political parties in the same year and enjoy the confidence of each, I might manifest much agility on some occasions, but, sir, I simply move to commit the resolution of the gentleman from Dodge (Mr. Gray) to the committee on schedule for their consideration. I do not move to carry with it this proposition until it is perfected in this committee. When it is so perfected then I desire to see it go along with the resolution to the committee on schedule in order that it may come back in good time to receive the votes of the people thereto.

Mr. HASCALL. Mr. Chairman. I have the authority of the gentleman from Johnson (Mr. Wilson) that the gentleman (Mr. Mason) has already straddled his pale horse and is riding not only one, but two and three political parties.

Mr. MASON. Mr. Chairman. My attention has been called to the proviso and I move to strike out all after and including the word "provided." I do not want to see it there. It mars the beauty of the proposition if it has any beauty in it, and serves no good.

The motion was agreed to.

Mr. BOYD. Mr. Chairman. I move to strike out the whole section, and offer the following as a substitute.

"No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of, such corporation: Provided, however, that the adoption of this article shall not be construed as affecting the right of any municipality to make such subscriptions where the same have been authorized, under existing laws, by vote of the people of such municipalities prior to such adoption."

The substitute was adopted.

Mr. ROBINSON. Mr. President. I move to strike out the word "subscriptions," and insert "donations."

The motion was agreed to.

The CHAIRMAN. The question on referring to the committee on schedule.

Mr. GRAY. I withdraw my mo-

tion, in order that the resolution offered a little while ago may be adopted.

The PRESIDENT. The question is on referring the substitute of the gentleman from Douglas (Mr. Boyd) which was adopted, to the committee on schedule.

The substitute was so referred.

The PRESIDENT. The question now is upon the engrossment of the majority report.

The report was ordered engrossed to be read a third time.

Adjournment.

Mr. GIBBS. I move the convention now adjourn until eight o'clock this evening.

The motion was agreed to, and the convention at five o'clock and forty-five minutes, adjourned.

Evening Session.

The convention met at eight o'clock and was called to order by the president.

Mr. STEVENSON. Mr. President. I present the report of the committee on Miscellaneous Subjects. I move it be read the first and second time by title and referred to the committee of the whole.

The motion was agreed to.

The secretary read the report the first and second time by title.

The PRESIDENT. The report will be referred, and one hundred and fifty copies ordered printed.

The special order for this evening is the report of the committee on Rights of Suffrage. Will the gentleman from Hall (Mr. Abbott) take the chair.

The PRESIDENT (pro tempore.) Gentlemen, the question before us, is the report of the committee on Rights of Suffrage—the additional section offered by the gentleman from Douglas (Mr. Hascall) which is offered in lieu of the section which was stricken out. The proposed section reads "Laws, uniform throughout the state, shall be made for ascertaining by proper proofs, the citizens who are entitled to the rights of suffrage hereby established."

Mr. GRAY. Mr. President. What has been done with section one?

The PRESIDENT (pro tempore.) It has been adopted.

Mr. MYERS. Mr. President. I don't exactly see the force of this proposition and I will have to be enlightened upon it. The gentleman who offers it, desires that uniform laws be enacted to ascertain who are qualified voters. This, I suppose, refers to the registration act. Now what is the value of repeating a mandate that is already of sufficient power to provide for the making of a general law. I don't see the force of the amendment in the face of the fact that all laws are "general." "General" I suppose is the synonym for the word "uniform." I ask my colleague (Mr. Hascall) what the effect of this amendment is.

Mr. TOWLE. Mr. President. I understood that the gentleman from Douglas withdrew his amendment providing a registry law, on yesterday. Now while I am in favor of and desirous for an honest registry law, I am opposed to the present system. It is a disgrace to our country. I am opposed to this amendment for another reason; it confers a specific power upon the legislature which it

has already. It is giving it a power which already exists and for which there is no need of additional provision. The main idea as I understand it, in forming a constitution, is to make it as clear and explicit as can be. If we were forming a Federal constitution it might be well to give this power, but as it is giving power where power already exists, I am opposed to it.

Mr. WAKELEY. Mr. President. If this legislature has a right to pass these laws without a constitutional provision there is no necessity for this, of course. But gentlemen seem to think they have not had it heretofore. I would like to ask whether the legislature has the power to pass these laws without a constitutional provision?

Mr. HASCALL. Our old constitution did not have such provision. In making a constitution it is our duty to establish what is constitutional and what is not constitutional. The constitutionality of our present registry law has been questioned; although I think it is the present opinion of our judges that the present law is constitutional, and would uphold it as such. In this case, we have inserted a provision in our bill of rights which was not in our old constitution. I don't want to leave it at their discretion, I want to make it imperative on the legislature to pass a law and ascertain who are electors. If there is anything that should be secure it is the ballot box. The people want proper laws passed by which, when a citizen comes to the polls he knows he has a right to vote and knows that those who have not a right to vote will be excluded. You might as well leave a ballot out of the box as to put an opposite one in which has no right to be there. My colleague here (Mr. Majors) referred to the fact that we had a law against special legislation, and therefore he objected to the words "uniform throughout the state." The provision in the legislative article refers to the opening and conducting of elections. This refers to the time prior to elections. I don't wish to take up time on this subject as I understand there is a more important one to come up after.

The CHAIRMAN. The question is on the adoption of the section.

The section was adopted.

The Chairman read the next section, as follows:

Sec. 3. No person under guardianship, non compos mentis or insane, shall be qualified to vote, nor shall any person convicted of treason or felony unless restored to civil rights.

Section 3 was adopted.

The Chairman read the next section, as follows:

Sec. 4. No elector shall be deemed to have lost his residence in the state by reason of his absence on business of the United States, of this state, or in the military or naval service of the United States.

Section 4 was adopted.

The Chairman read the next section, as follows:

Sec. 5. So soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed therein.

Section 5 was adopted.

The chairman read the next section, as follows:

Sec. 6. Electors shall in all cases,

except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

Section 6 was adopted.

The chairman read the next section, as follows:

Sec. 7. All votes shall be by ballot.

Section seven was adopted.

Mr. STEVENSON. Mr. Chairman. I move the committee rise and report the article back to the convention and recommend its adoption.

The motion was agreed to.

Mr. ABBOTT. Mr. President. The committee of the whole have had under consideration the report of the committee on rights of suffrage and have instructed me to report the same back to the convention and recommend its adoption.

Mr. MAXWELL. Mr. President. I move that we do now take up the article relating to suffrage.

The motion was agreed to.

The secretary read the first section, as follows:

Section 1. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes who shall have resided in the state, county, precinct and ward for the time provided by law shall be an elector.

First, Citizens of the United States.

Second, Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.

Section one was adopted.

The secretary read the next section, as follows:

Sec. 2. The legislature may extend by law, the right of suffrage to persons not herein enumerated, but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all votes cast on that question at such election.

Mr. McCANN. Mr. President. I move that the committee do concur in the recommendation of the committee of the whole to strike out Sec. 2.

Mr. ESTABROOK. Mr. President. After the action of this body in regard to the subject which is involved in this section, and after the action of the committee on rights of suffrage, I would not say anything, but last night while in committee they agreed that they would recommend this matter to the favorable consideration of the house, I had made up my mind to pass this whole thing in silence——

Mr. PRESIDENT. Will the gentleman desist until I call some one to the chair? Will the gentleman from Otoe (Mr. McCann) preside for me?

(Mr. McCann in the chair.)

Mr. ESTABROOK. But, sir, it is difficult for a parent to forget his child, and if I should allow this provision to pass as it is it would seem as though I was derelict in my duty to my offspring. It may be that some time the people of Nebraska may have to meet this question fairly and squarely in the face. The question that is involved in it is that, under it, and under it alone, can those individuals who may be reclaimed from the Indian tribes, those who now are of Indian descent belonging to tribes may abandon their tribal re-

lations and acquire rights of citizenship, although this furnishes the only means whereby individuals thus constituted, to point out a particular individual, Gen. Parker, who has presided over one of the bureaus in Washington, if he were to come here to acquire the rights of suffrage this is the only means by which he can obtain rights of citizenship. Yet, sir, I prefer to argue it as a means by which he may or might eventually acquire here the right of voting. Before I proceed farther let me suggest that it is common on many occasions of this kind, that it is common sir, in congregations to consider great moral as well as political questions, to indulge in some little ceremony. I happen to have before me a book of common prayer. It is considerably worn and I borrowed it from a gentleman and lady who are in the habit of using it constantly. I asked them to allow me to put it in my pocket that I might on some occasion desire to use it. I will just read for our edification before I go further, a short adjuration, it happens to be in the morning service, but is applicable to this evening service, those who feel desirous to join the adjuration may hold down their heads. It asks the Almighty to comfort and bless them, and returns thanks that their condition is as good as it is, it thanks the Almighty who has not made them slaves, and lifts up a grateful heart to the Almighty that he has made the condition so good as he has and then says: "Blessed art Thou, O Lord, our God, King of the universe, who hath not made me a woman." A moments intermission will be given to indulge in any devotional exercises. (Laughter.)

The women say: "Blessed art Thou, O Lord our God, King of the universe, who hath made me according to Thy will." Man is made to thank the Almighty he is not a womon, the woman thanks the Almighty he has done just as he pleases. That is the old form of prayer which I presume has been used ever since the time of Moses. Upon one side is the English language, and on the other is the Hebrew, so that all who desire may read it in either language.

I said, sir, I would not have paid any attention to this subject on this occasion were it not I felt the relation of parent and child. I do not mean, sir, I was the author of it in this convention, but I do mean that having been, on another occasion, a member of a convention to frame a constitution of a sister state, the question of suffrage, as it does here, came up for consideration, and a feature of it rose in that convention which required some degree of nerve to stand up and breast the storm of prejudice that prevailed, and it requires some degree of nerve in the state of Nebraska. That was in a time when the negro was held in a condition of bondage, and whenever that suggestion, that a person holding such a degraded position in the world should have the right to vote, was deemed the height of madness. Nevertheless, although I was holding tolerably good relations with the democratic party, feeling that there was a matter of justice involved in this thing, and feeling then as I do now that the duty of the constitution

was to regard the great principles upon which the whole structure of our government is founded, in laying down the foundations of a structure for the government of a state, I say, feeling then as I do now, that the same material should be used as was used in the consideration of the constitution of the United States, I indicated something of this character, that from which this was taken as a means by which the negro in the state of Wisconsin would finally be admitted to the right of suffrage, and under it subsequently he was. I will read you, if you will bear with me: "Mr. Estabrook moved to amend the amendment by adding the following proviso, viz.: 'Provided,' however, that the legislature shall at any time have the power to admit colored persons to the right of suffrage, on such terms and under such restrictions as may be determined by law." That created considerable discussion, and finally was adopted by simply changing the phrase referring in terms to the negro so that it should refer to all classes, that the legislature might admit other classes than those named, to the right of suffrage, but before such law went into effect it should be sanctioned by a majority voting on that subject. It came up finally for consideration, allow me to read one paragraph of the discussion.

"Mr. Estabrook, said, as he had proposed the amendment, he would explain its objects."

"If any were curious to know his own private views they could be learned by an inquiry among his immediate constituents, where he had often discussed this matter both in public and private, and had uniformly taken ground opposed to colored suffrage. Or his views might be more readily learned by reference to the vote taken on this question to strike out the word "white" where his vote would be found recorded in the negative. His reasons for this were sufficiently explained in his remarks, when this question came up in committee of the whole. But a false issue has been made—the question was not, "shall negroes vote?" but "shall the majority rule?" He regarded it as a fundamental principle of democratic faith, that the majority should rule, and that that majority should pay proper respect to the views and rights of the minority. If, then, it is proper that the majority should rule, it was clearly right to leave our fundamental law so that that majority can rule."

Now, sir, that part of it which seems to apologize for having produced so unwelcome a topic is a matter that has afforded me considerable regret and mortification so often as I have read it. I acknowledge it indicates a coward. Well, I felt the full force of the responsibility upon me in connection with others acting in conjunction with me to adopt this reasonable rule, that it was indicative of a cowardly spirit when I undertook to make an apology for my course. And, sir, as it was a matter of cowardice then, as it is indicative clearly that I together with others who acted with me, were taking counsel of our prejudices in this regard, that we feared to do what was right, fearing what

Mrs. Grundy might say. I would admonish all young men who sit here in this convention, as I sat there, twenty-three years ago, lest you may look over the reports, you may have reason to regret as I do, that you should have staved off a principle that will have passed into law, and will have become one of the common rules long before that time shall have elapsed. Let us proceed to another branch of this consideration. In the first place, Mr. President, what is the status today? What is the condition of woman? I need not tell the lawyers what has hitherto been her condition, how the civil and common law has regarded her. It is well known, sir, that she was pretty nearly a nonentity; I need not dally upon this, I have not time nor would occasion require it. Let us inquire what is her status today under the laws of this state, and the United States. In the first place there have been amendments to the constitution of the United States, and had it not been for the action of some other body, the political bodies that have hitherto assembled in the state of Nebraska, the dusky man that fought so bravely, in our wars, helps to pay the taxes as every man pays it, bearing the burden of government, would never have been allowed to enjoy privileges upon them, and perhaps all we may say to the contrary notwithstanding. It seems quite probable indeed that when a woman shall be allowed to vote she shall come to the full enjoyment of the privileges of a full and complete citizenship. That too will be done under and by virtue of the provisions of the constitution of the United States enforced by the proper decision of the court of Nebraska. Sir, in the congress of the United States the matter has undergone some degree of consideration. It is well known, sir that the fourteenth amendment rather had allusion to these individuals, and made a declaration as to what individuals and what persons should be regarded as citizens of the United States. Well, sir, there was one individual and her name was Victoria C. Woodhull, and now I am willing to give time for a little intermission for sneers when I mention that name. I say, one Victoria Woodhull presented her petition to congress and asked that that body should pass such laws as they were entitled to under the 14th and 15th amendments, as would declare her right to vote as one of the citizens of the United States; and upon that question a committee was appointed and there were two reports—a majority and a minority report—But while they differed in their conclusions, they both agreed in relation to this one fact. And what was it? They both agreed that a woman was a citizen. I say that while they both differed as to what were the rights of the woman, they both agreed touching this one fact—that a woman, of course, having other qualifications corresponding, was a citizen of the United States. Then, sir, in answer to the enquiry as to what is her status today in the United States. The answer is that she is a citizen of the United States.

Now, let us see what rights pertain to citizenship. Let me read it:

kills his feme, it is the same as if he had killed a stranger, or any other person; but if the feme kills her baron, it is regarded by the laws as a much more atrocious crime; as she not only breaks through the restraints of humanity and conjugal affection, but throws off all subjection to the authority of her husband. And therefore the law denominates her crime a species of treason, and condemns her to the same punishment as if she had killed the king. And for every species of treason, (though in petit treason the punishment of men was only to be drawn and hanged,) till the 30th Geo. III. C. 48, the sentence of woman was to be drawn and burnt alive, 4 book, 204. By the common law all women were denied the benefit of clergy; and till the 3rd and 4th W. & M. C 9, they received sentence of death, and might have been executed, for the first offence in simple larceny, bigamy, manslaughter, etc., however learned they were, merely because their sex precluded the possibility of their taking holy orders; though a man, who could read, was for the same crime subject only to burning in the hand. 4th book, 369. These are the principal distinctions in criminal matters. Now let us see how the account stands with regard to civil rights. Intestate personal property equally divided between males and females; but a son though younger than all his sisters is heir to the whole of the real property. A woman's personal property, by marriage, becomes absolutely her husband's which at his death he may leave entirely away from her; but if he dies without will, she is entitled to one-third of his personal property, if he has children; if not to ½. In the province of York, to four-ninths or three-fourths. By the marriage,the husband is absolutely master of the profits of the wife's lands during the coverture; and if he has had a living child, and survives the wife, he retains the whole of those lands, if they are estates of inheritance, during his life; but the wife is entitled only to dower, or one-third, if she survives, out of the husband's estate of inheritance; but this she has, whether she has had a child or not. But a husband can be tenant by the curtesy of the trust estate of the wife, though the wife cannot be endowed of the trust estate of the husband. 3 P. W. ms. 229. With regard to the property of women, there is taxation without representation; for they pay taxes without having the liberty of voting for representatives; and indeed there seems at present no substantial reason why single women should be denied this privilege."

Why single women should be denied this privilege! Now that is pretty good authority, drawn from the very source of common law.

Now, sir, that I may not be tedious let me call attention to but one other authority found in the sixth volume of Jefferson's Works, page 605-6-7 and 8.

"Indeed it must be acknowledged that the term republic is of very vague application in every language * * Were I to assign to this term a positive and definite idea. I would say, purely and simply, it means a government by its citizens in mass, acting directly and personally, according to rules established by the majority; and that every other government is more or less republican, in proportion as it has in its composition more or less of this ingredient of the direct action of its citizens * * * * and add, also that one-half of our brethren who fight and pay taxes are excluded, like Helots, from the rights of representation as if society were instituted for the soil, and not for the men inhabiting it: Or one-half of these courts disposed of the rights and the will of the other half, without their consent.

What constitutes a state?

Not high raised battlements or labor made

Thick walls or moated gate;
Not cities proud, with spires and turrets crowned;
No: Men, high minded men;
Men, who their duties know;
But know their rights, and knowing dare maintain,
These constitute a state."

* * * * * * *

On this view of the import of the term republic, instead of saying, as has been said, "that it may mean anything or nothing," we may say with truth and meaning, that governments are more or less of the element of popular election and control in their composition, and believing as I do that the mass of the citizens is the safest depository of their own rights, and especially that the evils flowing from the duperies of the people are less injurious than those from the egoism of their agents. I am a friend to that composition of government which has in it the most of this ingredient."

I have asked upon what model is our constitution to be framed. I ask further what government is to be established? What government stands over against the republican government? Monarchy. What is a monarchy? Why, sir, it is where one individual issues his mandates and all his subjects obey, but in a republican form of government the mandate is issued by the authority of the people, and hence it is called democratic. Now, let me lay down this proposition. I make this assertion that in a monarchical form of government the relation of men and women are more equal than in this. Why? because, sir, the mandate goes forth alike to all and they have to obey. But how is it here? The man has a voice as to the law, but the woman must obey. In regard to her it is as absolute a monarchy as though she lived in the realms of the Czar of Russia.

I have only to point to the law you have adopted today and to your statute books, by which she is required to obey these enactments in which she has no voice. Now, sir, at the expense of being tedious, I suppose I have carried you back to these fundamental thoughts to show you how this question was viewed by those who are authority in law.

Now, sir, let me pay attention to one or two more ideas. In the first place it is said that she is different from the man. Thank God that she is. She is the female and he is the male. does not this distinction go through all the world? Look throughout the vegetable kingdom. The animal and even in the mineral and you will find the male and female elements there. Throughout the entire creation you will find them.

Now, sir, we are told that she should not mingle in the filthy pool of politics. Do you say that politics is a filthy pool? Who made them so? If so sir, is there no remedy? If so, is there not a reason? Mr. President, let me imagine that you invite me to dine with you. I hope I may have the opportunity before I am much older. I know what I would find. I would find everything put away neatly, the rooms swept nicely, everything looking neat and homelike. Let me call in three months from this and I find chairs put against the door, all the crockery dirty and everything upside-down. Say I, Mr McCann, what is the matter here? He replies, my wife is away. Is not that true? If it be true that the stream of politics be

muddy and nasty, cannot you find some excuse for it? Have not we been sixty or seventy years keeping bachelor's hall in a national capacity, and is not it about time to bring the female element to bear? Do you tell me it would unsex her to visit the poll and express her voice at the ballot box, as to whether she would issue bonds? About how long do you think it would take her? Some indidividual made a calculation in the city of New York, and all the time spent in elections in one year was two hours, that was all. I recollect a very moving speech made by a gentleman here in regard to the home duties of the woman. He referred to a beautiful scene, where the mother puts her hand on the head of either child in the attitude of prayer, if you please, but that is not all of life. It 's true it is a beautiful thing to come home and call the family group around the mother and hear the lesson a mother alone can give. But it was suggested it was her duty to teach not only moral lessons but also to teach lessons of coming manhood. Now then let me suggest; suppose you put your boy out to learn the blacksmithing trade, to whom do you put him? Is it any other individual than one who has learned to be a blacksmith? I would have a mother myself teach all of these lessons of wisdom and morality, but I cannot conceive that there is anything improper, anything unreasonable in the fact that while she goes to the church, if you please, to learn her lessons of morality; if she is to teach the child the lessons of manhood, where else can she go with greater profit than to the place where citizenship is most peculiarly bestowed? Where can she go more profitably to learn the lessons herself of manhood than to the polls, where voting is done, where the citizen expresses his voice between candidates and measures? Why, sir, do you tell me women unsexes herself when she does this? Do you tell me the good mother cannot enjoy and exercise this privilege without degrading herself, without in some respect unsexing herself? Who presides over the destinies of England? Why, sir, Queen Victoria is not only at the head of the government, but if there is a mother that comes up to the full standard of perfect motherhood, if there is one it is Queen Victoria herself. Sir, while she is at the head of government, and intermingles with politicians, at the same time she is a pattern mother of the entire realm over which she presides. What do you do with the woman in common ordinary life? Why, sir, nobody doubts for a single instant, the propriety of doing that which the law not only permits to be done, but says should be done. When she is left a widow, who settles the affairs of the estate? I will undertake to say that in the adjustment and settlement of an ordinary estate, a woman will go through more that will bring her in rude contact with the outside world, than she would experience in half a lifetime in going to the polls to deposit her vote. Do you tell me woman can become an administratrix to settle the estate of a dead husband, go through the entire administration of a large estate, do all the

duties pertaining to it, going into the probate or district court, following it, if you please, to the supreme court, marshall her witnesses, attend at the office of her lawyer, do you tell me she can do all this without unsexing herself more than to go with her husband, son or brother and drop a paper in a ballot box? Is that reasonable? Suppose the very case came up this afternoon. A woman has a surplus capital to invest, she meets with others individuals having like sums, they put it together and form a corporate body. What next is done? They have their meeting and elect their officers. On what principle? Peradventure one share entitles each stockholder to a vote, did anybody ever question the propriety of a woman casting her vote there? Does not she always vote in a corporate body, and was it ever supposed for a single instant that she unsexed herself by this? Again. There is an effort made in all well regulated cities to take charge of the suffering stranger, sick and afflicted, that shall come into your midst without the means of procuring the necessaries of life, or the necessary attendance in case of sickness. Whenever you find a congregation of people, in the west, particularly, you find these hospital associations. We have them in Omaha elegantly managed. By whom? By a board, presided over by a president, everybody is delighted with it, everybody congregates at different times at parties to make contributions in the way of a fair or ball, for the purpose of raising funds to carry it along. Who are the officers? Every one a woman. Who votes for them? Every voter a woman. Did they unsex themselves? Nobody was ever such an idiot to attempt to maintain any such silliness as that. I put it to you, if they can go and in that capacity thus manage by virtue of the ballot, and by the virtue of the power to hold office, one of the most important interests that takes cognisance of the sick and afflicted, puts them in the hospital, takes care of them, cures them, or if they die buries them. Is not that as important a public function as to have the right to vote whether a railroad shall have bonds, whether a sluice shall be put across this place or that? Whether Patrick O'Shaughnessy shall fill office or not? I wonder whether they are not as competent to do one as the other. This is not quite all, Mr President. I take it sir, that you think something of your wife, I think I am not mistaken; I think, sir, if anybody should undertake to say that she kept bad company, you would be very apt to resent it like the man of valor, I know you are. But if anybody not only should attempt to say she kept bad company but should undertake to compel her to keep bad company and affiliate with improper characters, I think it would not only grieve you, sir, but think you would be making a proper resistance. What are we trying to do? What is this convention trying to do with your wife and your sister and daughter, and mine? Now in arranging and adjusting the affairs of this government, in the structure government you are about to make, I ask you in what category, in what company, in what society do you pro-

pose to leave the wife of the honorable president? Let us see how then, sir, the citizens of Nebraska for the purpose of constituting the government of Nebraska are divided into two classes, one is the nonvoting class the other the voting class. Now do you mark me? We, by our actions here tonight are adopting a system of government that shall have created two sexes in the construction of the government of Nebraska, one of them is the non-voting, the other the voting class. Now let us see who are the non-voters and who are the voters. "No person under guardianship, non compos mentis or insane shall be qualified, nor shall any person convicted of treason or felony, unless restored to civil rights." Those are the non-voters. Are they all? No, sir. Who else? Now, sir, it should read, and it does read, the entire article, thus "idiots, stark mad people, and those, sir, who are lunatics, and those guilty of infamous crimes, and women—and women shan't vote." Mr. President. There is where they put your wife in the constitution of this government, in adjusting the limits which constitute the government we are constituting, as a constitutional convention. They have placed your wife, sir, with the lunatics, the fools, and persons that are guilty of infamous crimes. Do you see it? Do you notice it? How do you like it? They have not only reduced her to the condition of the serfs of Russia, but left her in the category of infants, lunatics, fools, and criminals. Now, let any man get over it if he can. Perhaps that is the proper plane for them, sir. I was told the other day, in a little controversy in point, that I had a son of sixteen years who they thought was neither a fool or a lunatic, and yet he did not vote. And that was put by a gentleman who runs a press and who runs an instrument at me as often as he pleases. It is true, you have a son perhaps sixteen or eighteen years old, more competent than a great majority of the foreigners who come to these shores. Now we make provision, enact laws, and create fundamental laws, lay down fundamental propositions in our constitution; and we do this for classes. Now, the lunatics are one class, the idiots are another, and the children are another. Why do not you permit them to vote? Now, I call your attention, Mr. President, right back to the fundamental principles. "All governments derive their just powers from the consent of the governed." Why, don't you give them this power? Simply because, in the case of the child, of immatured intellect; and in the case of the lunatic and idiot, because they have no intellect at all. They have no consent to give. A fool has no consent; the lunatic has none, and the child has none, and the man who is guilty of infamous crime, has forfeited his right, and hence we take it from him as a matter of punishment. But, now, will some gentleman tell me why you place the woman in this category? Will some gentleman mark me, and give me a solution of this proposition—Why you should reject a woman? Why you should reject your own wife, for instance, and your sister, if she be a widow? It is this. I find that in

looking over some revisions of the law in the state of Nebraska, the election, for instance that, that if he be guilty of a certain thing, he forfeits the right to vote. Why? Because he has been guilty of a criminal offense. Here, too, comes up the question—Why do you exclude the woman? Has she been guilty of a criminal offense? Why will you compel her to pay principal and interest of the bond you give to the railroads while you give her no chance to vote? Is it because she is imbecile, because she has committed some infamous offense? If not, why do you ask to exclude her from the right of citizenship? But, sir, it is fast approaching ten o'clock. There are many points—

Mr. HASCALL. As the gentleman's fifteen minutes are exhausted, I move to give him ten minutes more. (Laughter.)

Cries of "Go on!" "Go on!"

Mr. ESTABROOK. As a matter of course, I do not wish to choke anybody down. Some other opportunity will be given to go over the whole subject. But I have only a few more suggestions to make. I would rather it be postponed. It is after ten o'clock, Mr. President, and it will be unreasonable to tax the patience of members—("Go on!")—Mr. President, we occupy a very peculiar position, we are making a new constitution, in the year 1871, and for the state of Nebraska. The state of Nebraska lies about half way across the continent, and it is the last state that has assembled thus far for the purpose of laying down the principles which shall constitute the government of Nebraska. Now, sir, I wonder if anybody can contemplate the possibility that this convention may adjourn in the midst of the fact that everything, sir, around us, gives evidence not only of progress but rapid march of improvement; comes around us day after day with the rapidity of the comet almost. Can anybody contemplate the possibility that this convention may adjourn without leaving somewhere upon the pages of the constitution we submit, the evidence of a recognition of the progress that all the world around us is making; or shall we content ourselves with making up this instrument simply of the worn-out cobwebs of the past?

Sir, there is a grand opportunity before us, for us to make one mark higher up than any state which has ever gone before us—

Mr. MOORE. Will the gentleman allow me to suggest, as it is ten o'clock, that we adjourn, and tomorrow evening at eight o'clock, the gentleman can have the floor and finish his speech. If it would be satisfactory to him, I would move to adjourn.

Mr. ESTABROOK. I will give way.

Adjournment.

Mr. MOORE. I move we adjourn.

The motion was agreed to and the convention at nine o'clock and forty-five minutes adjourned.

FORTY-FIRST DAY.

Friday, August 12, 1871.

The convention met at eight o'clock and was called to order by the president.

Prayer.

Prayer was offered by the chaplain, as follows:

Our Father who art in heaven, we acknowledge our dependence upon Thee. Grant unto us Thy favor this day. Forgive us all our many sins, and grant unto us life everlasting, through Jesus Christ, our Lord. Amen.

Reading of the Journal.

The journal of the last day's proceedings was read and approved.

Engrossment.

Mr. REYNOLDS. Mr. President. Your committee on engrossment, to whom was referred the article on banks and currency and on public buildings beg leave to report that they have examined the same and find them correctly engrossed.

Public Buildings.

The PRESIDENT. The article on public buildings will be read a third time and put upon its passage.

The secretary read the article, as follows:

ARTICLE——

Section 1. The capitol of this state shall remain at the city of Lincoln until the year 1880, and thereafter until otherwise provided by law designating some other place as the capital, and which shall be submitted to and be approved by a majority of the electors voting thereon.

The PRESIDENT. Gentlemen this is the third reading of the article, the question is upon its passage.

Secretary, call the roll.

The vote was taken and the result announced—ayes, 28; nays, 7.—as follows:

AYES.

Boyd,	Granger,
Curtis,	Griggs,
Estabrook,	Hascall,
Kenaston,	Sprague,
Kilburn,	Scofield,
Kirkpatrick,	Shaff,
Lake,	Thomas,
Majors,	Thummel,
Maxwell,	Tisdel,
Moore,	Vifquain,
McCann,	Wakeley,
Parchin,	Weaver,
Philpott,	Wilson,
Stewart,	

Mr. President.—28.

NAYS.

Abbott,	Gray,
Ballard,	Lyon,
Gibbs,	Neligh,

Stevenson.—7.

ABSENT OR NOT VOTING.

Campbell,	Myers,
Cassell,	Newsom,
Eaton,	Parker,
Grenell,	Price,
Hinman,	Reynolds,
Ley,	Robinson,
Mason,	Speice,
Manderson,	Towle,

Woolworth.—17.

So the article was passed and the title agreed to.

The PRESIDENT. The question is on its reference to the committee on revision and adjustment.

The motion was agreed to and the article so referred.

The PRESIDENT. The article on banks and currency will now be taken up.

The secretary read the article, as follows:

ARTICLE——

BANKS AND CURRENCY.

Section 1. No state bank shall hereafter be created, nor shall the state own or be liable for any stock in any corporation, or joint stock company or association for banking purposes, now created or hereafter to be created.

No act of the legislature authorizing or creating corporations or asso-

ciations with banking powers, whether of issue, deposit or discount, nor amendments thereto, shall go into effect or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for or against such law.

Sec. 2. The suspension of specie payments by banking institutions on their circulation created by the laws of this state, shall never be permitted or sanctioned.

Every banking association now, or which may hereafter be organized under the laws of this state shall make and publish a full and accurate quarterly statement of its affairs (which shall be certified to under oath by one or more of its officers) as may be provided by law.

Mr. MAXWELL. Mr. President. I move the report be re-committed with instructions to re-engross and engraft in the bill the second section as reported by the standing committee.

The motion was agreed to.

The PRESIDENT. Gentlemen of the convention I have two small articles here which it will be advisable for us to dispose of.

Reports of Committee on Printing and Binding.

The secretary read the report of the committee on printing and binding, as follows:

ARTICLE——

Section 1. The printing and binding of the laws, journals, bills, legislative documents and papers for each branch of the legislature, with the printing required for the Executive and other departments of state, shall be let on contract to the lowest responsible bidder by the State Executive officers, and in such manner as shall be prescribed by law; Provided, The printing and binding shall be done in the state.

Mr. MYERS. I move to lay the article on the table.

The motion was agreed to.

Public Accounts and Expenditures.

The secretary read the report of the committee on public accounts and expenditures, as follows:

Sec. 1. The legislature shall not appropriate out of the state treasury, or expend on account of the capitol grounds and construction, completion and finishing of the state house, a sum exceeding in the aggregate two millions of dollars ($2,000,000), without first submitting the proposition for an additional expenditure, to the legal voters of the state at a general election; nor unless a majority of all the votes cast at such election shall be for the proposed additional expenditure.

Committee of the Whole.

Mr. MYERS. I move the convention go into committee of the whole for the purpose of considering the bill last read.

The motion was agreed to, so the convention went into committee of the whole—Mr. Neligh in the chair—for the consideration of the report of the committee on public accounts and expenditures.

The CHAIRMAN. Gentlemen of the committee, we have before us the report of the committee on public accounts and expenditure. What is the pleasure of the committee?

The Chairman read the first section, as follows:

Sec. 1. The legislature shall not appropriate out of the state treasury, or expend on account of the capitol grounds and construction completion and finishing of the state house, a sum exceeding in the aggregate two millions of dollars ($2,000,-

000), without first submitting the proposition for an additional expenditure, to the legal voters of the state at a general election; nor unless a majority of all the votes cast at such election shall be for the proposed additional expenditure.

Mr. PHILPOTT. I move the adoption of the section.

Mr. NEWSOM. I move to strike it out.

Mr. MYERS. I hope the motion will not prevail. It is not contemplated. by this bill to build a capitol immediately or at a very near day; but at some remote period when the people will consent to it.

Mr. LAKE. How remote?

Mr. MYERS. Well, probably twenty years; and we should have some authority in the constitution to allow the building of a capitol at some future day, when the legislature and the people will agree to it. A building that will be fitting to the state when it is built. This building we are in is a failure in an architectural point of view, and every other point of view; and we should embody a clause in the constitution to allow our successors to build one when they deem it necessary.

Mr. STRICKLAND. I think this is a very necessary article. We have seen many states such as Tennessee, Illinois, and I think, one or two southern states, where the legislature, for example, in Tennessee, appropriated about a quarter of a million, but the architect so made out the plan that in aftertime there was a continual draft upon the people. Now, we see they lacked only three or four votes of moving the capital in Illinois. The state loses that amount of money if such a thing is done. This constitution will last fifteen or twenty years, and we should put a restriction upon the legislature and limit this amount. This is one of the very best things we can do for posterity. Two millions of dollars ought to build as fine a capitol as this state will want in seventy years. I think the legislature should be bound.

Mr. GRAY. Would it be a very wise provision to put an article in this constitution providing that men in this state should live for 500 years? Do you think, Mr. Chairman, it is necessary? Does any gentleman suppose men in this state, hereafter, are liable to live for 500 years? If not, does any gentleman suppose for the next fifteen years this state is going to be liable to have over two millions of dollars in the treasury? If not, do you need a constitutional provision against expending out of that treasury more than two millions of dollars? This state is now in debt $250,000, and looks terrible. We are talking of bonding it. Why? Because we know we cannot get money enough in ten years. If we are not able to do this, is there any danger in the next fifteen years of our having over two millions of dollars in the treasury, that can be expended. I think it is entirely useless. It is very suggestive. You should leave out of the constitution such large figures. It is not possible to spend so large an amount of money.

Mr. KIRKPATRICK. Mr. Chairman, I move to strike out "two mil-

lion" and insert the words "three million."

Mr. NEWSOM. Mr. Chairman. I think the gentleman is out of order. He can't move to strike out part of a section when there is a motion already made to strike out all of it.

The CHAIRMAN. The question is upon the motion to strike out the entire section.

The motion was agreed to.

Mr. MYERS. Mr. Chairman. I moved the committee rise, report the article back to the house dead, and recommend it be laid upon the table.

The motion was agreed to.

Mr. NELIGH. Mr. President. The committee of the whole have had under consideration the report of the committee on public accounts and expenditures, and recommend that it be laid upon the table.

The PRESIDENT. Gentlemen, you have heard the report of the committee recommending that the article be laid upon the table.

The secretary will call the roll.

The secretary proceeded to call the roll.

The President announced the result—ayes, 28; nays, 14—as follows:

YEAS.

Abbott,	Maxwell,
Ballard,	Myers,
Curtis,	McCann,
Eaton,	Newsom,
Estabrook,	Parchin,
Gibbs,	Reynolds,
Gray,	Robinson,
Hascall,	Stevenson,
Kenaston,	Sprague,
Kilburn,	Scofield,
Lake,	Shaff,
Majors,	Thomas,
Manderson,	Tisdel,
Towle.—28.	

NAYS.

Boyd,	Philpott,
Cassell,	Stewart,
Granger,	Thummel,
Griggs,	Vifquain,
Kirkpatrick,	Wakeley,
Moore,	Weaver,
Neligh,	Wilson.—14.

ABSENT OR NOT VOTING.

Campbell,	Mason,
Grenell,	Parker,
Hinman.	Price,
Ley,	Speice,
Woolworth,	
Mr. President.—10.	

So the article was laid upon the table.

The PRESIDENT. The secretary will read the article on municipal corporations twice by its title.

The secretary read the article twice by its title.

ARTICLE——

Section 1. The legislature may vest in the corporate authorities of cities, towns and villages with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

Sec. 2. The legislature shall not impose taxes upon municipal corporations, or the inhabitants or property thereof for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law; such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

Private property shall not be liable to be taken or sold for the payment of

in this state that I admire, which works under corporation law, it never erects a parsonage or church except it is done as a corporation In my neighborhood they have erected a church and parsonage; and I know the incorporators. Suppose they let the contract to a man to erect a church from one kind of material or another. They are indebted to this man for this labor. There is no proper fund. There may be money in the treasury —and there is sometimes. But what remedy has he, how can he get this money unless he can sue the incorporators? I suppose he would proceed against the corporation to sue the corporate property and buy it in himself; but it is not where he wants it.

Mr. LAKE. I ask the gentleman if he desires to propose in the organic act, in the case he has suggested, that all the debts owing by the corporation shall be met by one individual?

Mr. KIRKPATRICK. In my neighborhood, I would state, is a man who would pay if he could. The main object is to secure payment for manual labor performed for the stock company. Now let us enquire what the liability of the company is. The man is generally employed by an agent. He performs the labor and naturally thinks that the man who employs him ought to pay. And if he finds he is not responsible then he enquires who is. The company. Well, what assets have they? Then he has to proceed, according to law, and if the company have no money he can come on the stockholders up to the amount of their stock.

Mr. BOYD. I would like to change my amendment. Strike out, in the second line "all labor performed for" and insert "all debts of," and add to the section "to the full amount of the par value of their stock "

Mr. MANDERSON. To borrow, for a moment, a metaphor from my eloquent friend, Gen. Estabrook, as the traveler who, all night has crossed over our pathless and boundless prairies, waits with interest and anxiety for the rising sun that shall show to him his course, and permit him to take his bearings, so we, Mr. Chairman, travelers over this path of a fundamental law, wait anxiously for the rising sun of Otoe, that the rays that emenate from his shining, morning face may show to us our path and permit us to take our course and bearings. Sometimes when the day god rises in the east, his rays are so bright that the very brightness thereof, flashing the eye of the traveler causes his blindness, and I might make a parallel, that, groping over this constitution—making a path, the bright effulgence of the rays of the sun of Otoe sometimes continues the blindness of the weary traveler here. Now, Mr. Chairman, let us take our bearings and see where we are. My colleague from Cass (Mr. Kirkpatrick) wishes section four to be retained as it stands, and as it came from the hands of this committee. Now, I advance the assertion, Mr. Chairman, and I do not believe any lawyer upon the floor will contradict it for an instant, that if we leave that section four, as reported by the committee, we have the remarkable result I adverted to a moment ago;

that notwithstanding the fact that that corporation or joint stock company might be abundantly able to pay all its debts, whether for labor or material, or debt of whatever character, yet if my friend from Cass happened to be a stockholder in that association, solvent as it is, some enemy of his, desirous to do him injury, having a claim against that association could bring his action, obtain his judgment, and pursue his individual property with an execution and levy his execution upon his individual property before he touched the corporation. So I say it places a penalty upon corporations; it places them in worse plight than if they were partnerships under the law. We do not want such things as this It would not do as desired by the gentleman from Lancaster. He says insert "associations" provided "in case of the insolvency of such corpoporations or associations" and only after the assets of the association had been exhausted would he permit us to pursue the stockholder. Now, is that right? I was born and raised in a manufacturing city, in the Manchester of this country, in the city of Philadelphia, where thousands of shuttles flash through thousands of looms; where the hammer of the blacksmith is heard in thousands of shops; where industry is in every square. Where labor on every hand fulfills its great mission; where capital going hand in hand with labor, accomplishes the great results that have made that Quaker city the first in manufacture in the U.S.; made it a place most desirable to live in; where can any gentleman show me where the laborers of Philadelphia have suffered from the fact that these corporations are liable, simply to the amount of their stock? I remember a day or two ago, when talking upon the banking article, where I advocated that the same rule, which you should apply to a banking corporation, should apply to another corporation, as it obtains in Ohio; when I asked that the manufacturing corporation and the banking corporation should be placed upon the same footing, and that the stockholders in each should be liable as to the amount of his stock then for the amount equal to the amount of his stock and no more, my proposition was almost hooted in this convention, and I was told I was striking a death-blow to the manufacturing interests of this state. If that proposition struck a death-blow, this not only kills but buries beyond the hope of a resurrection.

Let us look, for instance at the manufacturing corporation. I know of many such, know of their workings. The greatest amount they pay in any given year is to the laborer. The corporation gathers its iron, its wood, its coal, but the amount it pays for this material is but a drop in the bucket compared to the amount paid the skilled machinist, the worker in the wood and iron. What is the rule of those manufacturing establishments? What is the only rule under which they can exist and carry on their business? Every Saturday night the laborer walks up to the desk of the cashier and receives the sum he needs for the support of his family. If peradventure, owing to a

stringent money market, or some other cause, the manufacturing establishment is unable to pay its labor when Saturday night comes, there is a murmur in the camp of the laborers. If that should continue another week, and the crying little ones and the wife be asking for sustenance, for bread, what is the result? The shop closes, the laborer ceases to work; he turns his attention to something else. And it is rarely this occurs. Those manufacturers know it is necessary to pay the laborer as he labors. Now, Mr. Chairman, I am opposed to this amendment—I am opposed to all these amendments, I am opposed to this section. I adverted, the other day to the legal part of this question. I said that, several men will combine to form a partnership. By this partnership, they create a new person, in law, and that that new person—that artificial person which they have created, stands, in the eyes of the law as another person. Their capital, before, may have been $50,000—each. Three men from this partnership, and the new person starts in business with a capital of $30,000—having taken $10,000 from each of its creators. Now, for the debts of one of the partners, you can go upon the capital of that individual; for the debts of this artificial person, you can go upon its capital. But, you say, in this article that we will extend the liabilities of this artificial person, and that its creators shall each be liable to all of its stock. Now, sir, you have placed more obligations upon this artificial person than, in law, you can place upon the natural person who created it. Mr. Chairman, I sometimes stand affrighted at the workings of this convention. It moves on like a ponderous machine, crushing the great interests of the people, as it moves. I for one can not stand here and see these great interests thus crushed beyond hope of resurrection, without entering my protest against it.

Mr. MASON. Mr. Chairman. I have moved no amendment to this section—I have offered no change. Why is it, sir, that I am so often made a target of, or pointed at by gentlemen upon this floor, I am unable to say. I did say, sir, upon one occasion, that "the storm swept traveler turned his eye to the cloud covered sky, and sought the first ray of sunlight by which to guide his footsteps into ways of safety." I pass by, in scornful silence, all cowardly assaults upon my manner of speaking, or personal address. I am content that the dog should bark, the wolf snap, and the jackass bray, either in delight or anger, if they find pleasure or enjoyment in so doing. It suits not my purpose now, to give to the dog a bone, or scold the mad wolf, or pause in admiration at the sonorous braying of a long eared, stout built animal who may be useful when I am not able to see his usefulness or appreciate his wonderful powers. I thought, sir, to thus leave all these gentlemen and their assaults, and I leave them forever, but stand here to say, Mr. Chairman, that the objects I strive to attain in this convention, must stand or fall by the use of reason. If I, sir, have accomplished anything towards plant-

ing the rights of man higher, as against massed, and consolidated capital, I have accomplished all I desire. Now, sir, I am opposed to the third section of this article as passed by the committee. I, too, sir, am opposed to rendering them liable as partners. I believe in making a corporation or association liable to the extent of two-thirds, aye, more, to the extent of the entire deposits they receive from their friends and neighbors. If this, sir, be treason to the state, make the most of it.

Now, sir, I desire to say, first, that somebody should pay the laborer. I knew of one little corporation in this state where the families of printer boys needed bread, and they clamored for their pay, and the men constituting that company were the richest men in my city, and they turned away from these printers saying, "Sue the coroporation." When I sat in the judgment seat, and the stern law looked me in the face, and compelled me to turn away these printer boys and their families, unpaid, I felt that justice was not done, and, sir, my heart was touched in behalf of the laborer. If this be treason, it is the treason God planted in my heart, and I cannot eradicate it any more than I can eradicate any other principle of my nature.

Now, sir, I am in favor of striking out the third section, and confining this proposition exclusively to labor done for the corporations, and, sir, I am willing to sacrifice my views so far as it conflicts with the amendment offered by the gentleman from Douglas (Mr. Boyd.) I shall not quarrel with his proposition.

Mr. MANDERSON. I will answer the gentleman's question. I will say to him if he should labor as a millright and furnish a mill for a joint stock company the law of the state of Nebraska gives him full security against the mill for his pay. Then why pursue the owners individually?

Mr. TOWLE. Mr. Chairman. The gentleman from Otoe (Mr. Mason) and myself started out together in this crusade for the poor man and the rights of the people. He defying these corporations and capitalists in thundering tones, in the same breath has wafted out from the position he has taken, and he surrenders heart and soul to these soulless corporations which he has so often opposed here. Mr. Chairman, I stand here opposed to this amendment and if he deserts the ship, I will stand by it and the poor man's interest, if I must. I shall go down with it beneath the waves. Here in our new state there are many instances where these poor people have been cheated out of their daily wages, whose families were dependent upon those wages for bread and they have been left to suffer. I have but to point to those counties where the B. & M. R. R. has been operating for the last two years and you will find poor men everywhere swindled out of their wages. They are generally poor men who do not know about these corporations. They don't go to the county clerk's office to hunt up about them, nor do they care, for they have neither time, opportunity, nor education sufficient to do so; they go to work on the spur of the moment because they must work, and I think,

sir, it is the fairest principle that we can adopt to protect the poor man. It will not injure the corporation, out will protect the poor man and secure to him his pittance. While it is to the corporation but a drop in the bucket it is the all of the laborer and his family. For these reasons, Mr. Chairman, I will oppose all the amendments and the substitute.

Mr. MYERS. Mr. Chairman. I don't think we ought to embarrass these corporations by tying them up so that they can do nothing, neither should we let them go loose handed so that they can cheat the laborer out of his dues. I am in favor of the amendment offered by the gentleman from Douglas (Mr. Boyd), to that extent I consider it perfectly safe to go. I think an employee is not true to his own interests and safety if he gives his labor to the corporation for a longer time than three or four weeks without receiving the cash. If he does not secure his pay promptly he ought to retire from the employ. Now, I know of a law that gives the laborer a lien upon the manufacturing establishment for the period of sixty days. If he allows his pay to be delinquent beyond that he could not recover a single dollar. That was the law in Pennsylvania, and it was a just law.

The CHAIRMAN. Mr. Boyd withdraws his first amendment and offers the following in place of it: To strike out in the first line "all labor performed for," and add to the section "to the full amount of their entire stock."

Mr. ROBINSON. Mr. Chairman. I am inclined to differ with my friend from Douglas: I hold that he could maintain no such action as to recover from the associate stock-holders their proportion of the amount he may be liable for; they are placed in the same position as partners, and he could not sue his partner; but he could charge it against his partner in account, which would amount to the same in the end. But I contend this would put them in a worse condition than a partnership. If a person brings suit aganst a partnership he is obliged to sue the whole firm, but here he may sue the individual stockholder. I suppose this is the same question that was brought up yesterday, and I suppose it is no use to talk for the members have made up their minds. I contend that there is no difference either in law or in principle that should stand between capital and labor. One cannot exist without the other, and to get up this war between them, it is wrong, and, I believe, gentlemen have advanced this who know that they are wrong, and yet we hear of danger to labor from aggregated capital. Now, sir, where is the laborer to receive his hire except from the capitalists? If I have the capital I can hire the laborer, but if I have not, he has got to "root hog or die." Capital furnishes the laborer from day to day with the means to get his own bread, and without it he would have to go without for a time and be his own capitalist.

I am inclined to think, Mr. Chairman, that this thing has got to come before the people. I hope if there is to be any change in the law it will be a radical

change. Why, sir, where do the gentlemen get authority for this? They cite a few cases where some laborer has suffered for want of his pay. We are told there is a corporation at Nebraska City, when the laborers called upon them for pay, they were told to sue the corporation, that was the remedy. Because this corporation was so unfortunate as not to be able to pay, and because the incorporators happened to save out from investing in their corporation something to live upon, he thinks the laborer ought to be allowed to live upon that. How would the gentleman disposed of a case like this? A, B and C, undertook a partnership, they carry on a business too heavy for them and fail, owing their clerks and laborers. What shall be done in such a case as that? It is a case fully as grievous, even more so, for very frequently these corporations will revive and carry on their business once more and pay the old debts which never can happen in the case of a private concern. If they fail once they generally fail for all time; how are these great reformers going to help the laborer out of this difficulty? Why do they not compel these partners to preserve a portion of their capital in order to answer for any failure which may in any contingency happen. I contend this, Mr. Chairman, that if A. is a rich man, if he has brought his family up in affluence, if he has educated them, indulged them in every luxury the country will afford, and is so unfortunate as to invest all in a corporation which fails, and he loses his all, that reason would give to A who thus invests his capital in this incorporation a greater right to resort to the individual property of the incorporators than it would give to the laborer; his loss is greater, the standard of living to which he and his family have been used is higher and the suffering far greater. I think all this talk in favor of laborers is a kind of wishy washy sentimental twaddle. I do not think the laborer stands upon any better footing than any other man; I contend the law should be made equal so that the laborer should have his just rights.

Mr. BALLARD. Mr. Chairman. I only wish to make a few remarks explanatory of the vote I shall give in this case. Gentlemen upon this floor have expressed a very great astonishment that this convention seems to be moving in a certain direction, and they tremble because of that certain direction. That direction seems to be to blind monopolies, place them where they should be under the law, to give the laborer an opportunity of receiving a just recompense for his services. Now, sir, I am the friend of the laborer, who is the backbone and sinew of the country, and wish them to be placed where they cannot be defrauded by these monopolies. Today there are thousands of dollars justly due labor in Washington county which they have lost by the trickery of monopolies. Who is it that defrauds the laborer? As a general rule, is it the farmer or the man of integrity? No, it is these monopolies that do it, we wish to place them under the law, where they cannot very well do this. I shall vote for this section as reported

by the committee.

Mr. GRIGGS. Mr. Chairman. The only reason I have for speaking upon this question is, as several gentlemen already remarked, to explain my vote. Some men have pretended to be the friends, and the only friends of the laborer, and that we, who oppose this section, as reported by the committee, are enemies to the laborer. I am not opposed to the interests of the laborer. I know that I have frequently volunteered my services as an attorney, to assist a laborer to obtain his rights. I will not allow the gentleman from Otoe (Mr. Mason) and the gentleman from Richardson (Mr. Towle) to go farther than I in defence of the laborer's rights. Suppose the gentleman from Otoe (Mr. Mason) has $3,000, he invests one thousand in stock in some corporation, suppose, then, that he has an enemy and that this corporation is owing to this enemy three or four thousand dollars. Is it right that this man should have the right to proceed at once against him and collect, not only the one thousand he has in the corporation, but sweep the entire property of the gentleman away from him, and leave him, as it were, a pauper on the charity of the world? I believe the just principle is, first to exhaust the stock he has in the corporation, and if there is anything back of that, let them collect it from the individual members. Again, I do not believe any laborer in the state, under the law as it has existed in our state, has suffered. We have a mechanics' lien law that allows them about four months to file their liens, and collect the same. The laborer has been protected to this time by our existing laws, and the amendment offered by the gentleman from Douglas (Mr. Boyd) leaves the law just as it is now. I do not think we should be so stringent as this, I do not believe we should strike at the very heart of all the interests of our growing state. I believe, further, that it is the action of a demagogue to attempt to array capital against labor, I do not believe that the interests of the laborers of this state allow it. If we pass such a law as the one this committee has reported, we strike a blow at the very heart of all the corporate manufacturing interests of our state; and if it is passed, it will tend to help cast this whole constitution back into our hands a dead letter; therefore, Mr. Chairman, I simply have to say, I cannot in view of justice, and right, in view of the rights of the laborer and the rights of those who enter into partnership or into a corporation of this kind, I cannot support this section as reported by the committee. What reason is there that we should make a corporation, perhaps of three men, who pay $10,000 into a concern, liable to a separate liability under the law any further than partners? I do not think it is right and that my constituents would support me.

Mr. PHILPOTT. I withdraw my amendment by consent.

Mr. TOWLE. Would you hold that even under section four, a laborer could sue an individual partner without first exhausting the association?

Mr. GRIGGS. I will answer the gentleman by reading section three:

"Dues from corporations shall be secured by the individual liability of the corporators and other means as may be prescribed by law."

Mr. LAKE. I hope this convention will not do so foolish a thing as to engraft this section four upon the constitution. It seems to me, Mr. Chairman, that we should keep somewhat within the beaten path of the law in this respect; that we should not go too far in advance of what has already been done with respect to corporations, and these associations where capital is aggregated for the purpose of advancing some special interest of importance to the public. Now, sir, it is unquestionably true that by the provisions of section four, every individual member of a corporation would be liable for any debt which the corporation might contract with the laborers. Is it desirable that a laborer or any other creditor of a corporation should have that privilege? He makes his contract with the corporation, ought he not, at least, in the first instance, to pursue the artificial person with whom he made the contract? The honorable gentleman from Cass has asked that, even if under the provisions of this section, an individual corporator, is compelled to pay such a debt, if he has not the privilege of resorting to the corporation for the purpose of recompensing himself for the outlay? Unquestionably he may do that; but would it be just? Would it be right? Would he himself be in favor of incorporating in the laws of the state any such system, any such multiplicity of suits as to say that the person who, at most, ought to be a mere surety, should be proceeded against in the first instance? It would be like proceedings against a surety upon a promissory note in the first instance, and then compelling that surety to proceed against his principal. It seems to me it is reversing the order of procedure as has been well established for thousands of years. I would make no innovations upon the law, as it has been settled by practice in the past. I would limit the liability of the individual corporator, and, say, in addition to the amount of stock he had taken in the corporation that he should be liable only to a limited extent, and why would I do this? It is because, if there be no limit to the liability of an individual corporator, or to the debts of the corporation, that it would place any person subscribing to the capital stock of a corporation in a worse position than he would be if the corporators were united in an ordinary partnership. And it has been said that there have been injurious results from the formation of these corporations; persons have been cheated out of their dues. Well, I would ask gentlemen who have so often reiterated these assertions of persons and laborers having debts due from corporations, if they have never heard of persons losing debts due them from private persons? How often is it that cases are brought up in our courts where individuals claim sums of money that are due them from private persons and after having obtained a judgment, executions issue in vain to collect those judg-

ments? The gentleman from Richardson says there have been abuses in his section of the country. The gentleman from Washington (Mr. Ballard) has asserted upon this floor that there have been abuses in his particular section of the country, from the non-payment of debts by corporations. I challenge any gentleman upon this floor to point out a single instance, since railroads commenced their operations within this state, of the laborers employed directly by railroad companies operating within this state, losing a single dollar for services performed for railroad corporations directly. If there have been abuses of that kind which the gentlemen have referred to, they were not where railroad corporations have cheated laborers, but, sir, it has been persons, individuals, private persons, who have taken contracts from these corporations, and have, in their individual capacity, and not in a corporate capacity, refused or neglected to pay their debts. The suffering which it has been said has accrued has been occasioned by the insecurity of private persons and the unstable character of private liability. It is well known that corporations usually pay, as stated by General Manderson, weekly, or within two or three weeks at farthest. They do not generally let the debts due employees run any length of time. And, sir, abuses do not exist as in fact against corporations, but very frequently against individuals who take contracts as sub_contractors under corporations. Now, sir, the gentleman from Lancaster truly asked where did we get authority to engraft any of these peculiar notions upon the organic law of the state? Whence comes the authority? Who has demanded it? The people of the state, have in times past, had it within their power to demand of their legislatures sitting here at the capitol, making laws to engraft upon the statute books laws which would secure the very things we are proposing to engraft upon the fundamental law. Like provisions might have been made by the legislature if the people of the state had demanded them; but the people of the state have not demanded them, and while it would be unsafe to make any such provision of law by an ordinary statute, would it not be ten times more unsafe and unreasonable to engraft it upon the constitution, so that it would be irreparable, and could not be reached, no matter how oppressive or deleterious to the public interests it might operate. Now, Mr. Chairman, let us exercise some little wisdom and discretion in this matter; let us not go far beyond what has been done in other states—states where they have had much more experience in this matter than we; states where capital has been aggregated; states where great public improvements have been carried on, where great manufacturing interests have been successfully introduced and are now in successful operation. Let us take some lessons from their experience and, not merely for the purpose of obtaining a little cheap reputation, decry capital in such a way as shall tend most successfully to keep it beyond the limits of our state.

I am in favor of the proposition of my colleague (Mr. Boyd). I believe there ought to be, under all the circumstances, a liability of stockholders beyond the amount of the capital stock they subscribe. But I would limit that liability. When we say we will limit it we have done all that ought to be done. No constitution goes further than that, and with that we ought to be content, and ought not to engraft any provisions upon the constitution which have been tried, either by virtue of legislative enactment or by the operation of a like provision of a constitution in some other state. I shall support the proposition of my colleagues.

Mr. SPRAGUE. I like the amendment offered by the gentleman from Douglas (Mr. Boyd) so far as it goes, but to my mind it does not go far enough, and if I am in order I wish to insert, after the word "association," in the second line, as follows:

"Stockholders of all corporations and all joint stock associations shall be individually liable for all debts of such corporations or associations after the exhaustion of the corporate property to the full amount of the par value of their stock."

My object in offering this amendment is simply this. It is for the purpose of compelling the person to whom the indebtedness is due to first exhaust the property of the corporation, before the stockholders shall be liable.

Mr. McCANN. Mr. Chairman. I would like the adoption of this amendment if it is acceptable to the mover of the first amendment.

Mr. BOYD. I accept the amendment.

Mr. KIRKPATRICK. Mr. Chairman, There is a new amendment before the convention, upon which I will take occasion to say something before I vote upon the question. I have been somewhat amused by the course the discussion has taken upon this question. Gentlemen who are in favor of the section as reported by the committee, and opposed to the amendments, are charged with demagoguism. I do not propose to reply unless I should have more cause than I have heretofore had. I am willing to concede that gentlemen may be sincere on all they may say on this question, but I am not willing to be called a demagogue because I defend the rights of labor. Sir, I hurl back the charge with scorn for those who make it.

Mr. HASCALL. Mr. Chairman. I call the gentleman to order; he has spoken upon this question.

Mr. KIRKPATRICK. No, sir, it is not the same proposition.

Mr. HASCALL. The amendment has been accepted.

Mr. KIRKPATRICK. Mr. Chairman. It will be understood that in reply to my question, addressed to the legal gentleman from Douglas, Mr. Manderson said that in case a stockholder should be compelled to pay a debt due for labor done for a corporation, that in such case he would have a legal claim against said corporation for the amount so paid. The other gentleman from Douglas, Mr. Lake concurred in that opinion, but he claims that we ought not to hold stockholders liable beyond the

amount of stock held, and not at all until the remedy had been exhausted against the corporation. The other gentleman from Douglas, Mr. Myers, in a speech he made on this question, contended that the laborer ought to be required to prosecute his claim against the corporation, pushing it even to bankruptcy, before he should be allowed to sue an individual stockholder. From all this I dissent. The labor performed is often pure manual labor, and performed by persons who do not stop to consider the legal impediments in the way of collecting his pay, and I believe they should have direct recourse against the stockholders as well as against the corporation. I never performed any labor for a corporation, except as a director.

Mr. LAKE. Would he not proceed then against the individual?

Mr. KIRKPATRICK. I incline to the opinion that even in the case wherein the stockholders are made liable as individuals for such debts, that the claim would in the first instance have to be prosecuted against the company or corporation; but I would put it out of the power of a corporation, to defraud the laborer of a single cent of his pay.

The gentleman from Gage (Mr. Griggs) has what he seems to think a very strong and convincing case against the individual liability of stockholders, which he has very flippantly and pathetically presented in the discussion of this question, as well as on one or two other occasions, when kindred topics were being considered. He supposes that three gentlemen each being worth thirty thousand dollars, become subscribers to the capital stock of a corporation to the amount of ten thousand dollars each; and to make us see more clearly, he always supposes the Hon. Chief Justice to be one of the three. He then supposes that some man has done work for the company, worth thirty thousand dollars, who singles out the Chief Justice, from whom he collects thirty thousand, thus beggaring him and turning his innocent and helpless family out upon the cold charities of an unfeeling world.

Now, Mr. Chairman, that is a sad and touching picture. It has so often been presented to the gaze of this convention that I presume it must be stereotyped, and I hope the gentleman will claim and secure his copyright.

Mr. MOORE. Mr. Chairman. I beg the indulgence of the convention for a moment only. I was greatly surprised that so many arrows poisoned with venom were cast at our worthy Chief Justice. Why should he be made a special mark for envious and angry passions to aim at? But when we consider that he has at all times stood up as the advocate of the weak and defenseless against the rich and powerful it is not to be wondered at that he should attract particular notice or be subject to the malign attacks of envy and prejudice. It seems to me his conduct upon this floor has always been characterized by a straight forward, manly and just course of action, and the honorable gentleman's name will live upon the pages of our state history long after these partizans of rich and

powerful corporations "shall go down, down like the dull worm to rot, sink in the loathsome earth and be forgot."

The gentleman from Gage arises to explain his vote. I shall let my vote explain itself. I once read in a book "Cursed is he who removeth his neighbor's landmark," and "an unjust balance is an abomination to the Lord." Also it is written "An honest man is the noblest work of God." Now, sir, all that is claimed by this section under discussion is that the laborer should be worthy of his hire, that he shall be entitled to and receive the just reward of his labors. If your corporations are honest, not wishing to enrich themselves at the expense of the poor laborer, then this provision can work them no harm whatever.

Should they ever attempt to defraud the honest laborer then this provision will, if adopted, tend to secure the poor man in his just rights. It is said a corporation is an intangible thing "without soul to be damned or body to be kicked." Now if a corporation be such an animal as this I think it would be good policy in us to get a pretty good hold upon it, and hang on instead of turning it loose to act honest or dishonest, to build up or tear down as it may suit its lordship's convenience. It has been asserted here that our railroads have never done such an unseemly thing as delay or refuse just payments to honest laborers. This is certainly praiseworthy and certainly this class of corporations should go at par value for honesty. But lest some dishonest man or men should worm themselves into these honest corporate bodies and eat out this valuable quality they are said to contain, I think it will be no more than right, at least, no more than is demanded of us by the people, to insert a section here which will well secure the poor man who lives by his labor in his just rights. The people of the state will not complain, and I am certain these good, honest, self-sacrificing corporations should not object, if, for no other purpose, than to show to the world that all these declarations of honesty are well meant.

Sir, Mr. Chairman, I am not in favor of giving these corporate bodies the utmost license in this respect for perhaps there is not one member here who cannot relate some one instance wherein frauds have been perpetrated upon the poor man. For instance, a rich man, honorable and high minded, becomes a member of a corporate body—is made an officer in said body and controls all its acts—this officer in pursuance of his duties contracts with the poor laborer for labor to be performed. His high standing in the community and his known wealth readily secures him the laborers he needs, and when this contract has been fulfilled upon the part of the laborer and his demand for payment has been made, is told by this man, known to be worth thousands, that there is no money in the treasury, and he must go unpaid. Now, sir, has this never happened? Have no instances of this kind ever come to your notice? I feel confident there are many cases similar to the one mentioned, and I do not propose that my vote shall be given to en-

sence until Wednesday.

Leave granted.

Mr. MAXWELL. I ask leave of absence until Monday at two o'clock.

Leave granted.

Miscellaneous Corporations.

The secretary read the first section, as follows:

Section 1. No corporation shall be created by special laws, or its charter extended, changed or amended, except those for charitable, educational penal or reformatory purposes, which are to be and remain under the patronage and control of the state, but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created.

All general laws passed pursuant to th's section may be altered from time to time or repealed.

The first section was adopted.

Adjournment.

Mr. KIRKPATRICK. I move that the convention adjourn.

The motion was not agreed to.

Miscellaneous Corporations Again.

The secretary read the next section, as follows:

Sec. 2. All corporations shall have the right to sue, and shall be sued in all courts in like cases as natural persons.

The second section was adopted.

The secretary read the next section, as follows:

Sec. 3. Dues from corporations shall be secured by the individual liability of the corporators and other means as may be prescribed by law.

Mr. MAXWELL. I move to strike out.

The motion was agreed to.

The secretary read the next section, as follows:

Sec. 4. Stockholders of all corporations and joint stock associations shall be individually liable for all debts of such corporation or association after the exhaustion of the corporate property to the full amount of the par value of their stock.

Section four was adopted.

The secretary read the next section, as follows:

Sec. 5. The legislature shall provide by law that in all elections for directors or managers of incorporated companies every stockholder shall have the right to vote in person or proxy for the number of shares of stock owned by him for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit, and such directors or managers shall not be elected in any other manner.

The fifth section was adopted.

The secretary read the next section, as follows:

Sec. 6. All existing charters or grants of special privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

The section was adopted.

The PRESIDENT. The question is upon having this article engrossed and read a third time.

Agreed to.

Mr. GRIGGS. Mr. President. I move we adjourn.

The motion was agreed to.

So the convention (at twelve o'clock and five minutes) adjourned.

AFTERNOON SESSION.

The convention met at 2 o'clock and was called to order by the president.

No Quorum.

On the calling of the roll it appeared that there was no quorum present, only eighteen members having answered to their names.

Mr. McCANN. Mr. President. There are several members in the supreme court room attending to important committee business and I hope that they will be considered present.

Call of the House.

Mr. STEWART. I move a call of the house.

The motion was agreed to, and the secretary called the roll.

The President announced the result:—Present, 40; absent 12; as follows:

PRESENT.

Ballard.
Boyd.
Curtis.
Cassell.
Eaton.
Estabrook.
Gibbs.
Granger.
Gray.
Griggs.
Hascall.
Kenaston.
Kilburn.
Kirkpatrick.
Lake.
Lyon.
Majors.
Mason.
Manderson.
Moore.
Myers.
McCann.
Newsom.
Philpott.
Reynolds.
Robinson.
Stevenson.
Stewart.
Sprague.
Scofield.
Speice.
Shaff.
Thomas.
Thummel.
Tisdel.
Vifquain.
Wakeley.
Weaver.
Wilson.

Mr. President.—40.

ABSENT.

Abbott.
Campbell.
Grenell.
Hinman.
Ley.
Maxwell.
Neligh.
Parchin.
Parker.
Price.
Towle.
Woolworth.—12.

The Sergeant-at-arms was sent after the absentees.

The PRESIDENT. The report of the committee on railroad corporations is here.

Reports.

Mr. WAKELEY. Mr. President I desire to make a report.

The secretary read the report, as follows:

Mr. President. I am instructed by a majority of the committee to whom was referred certain propositions herewith returned, to report that it is not, in the opinion of the committee, necessary or expedient to make any special provision as to the taxation of lands granted to railroad corporations or the credits of such corporations, and they do not recommend the adoption of either of said propositions.

E. WAKELEY.
Chairman of Committee.

Sec. —. All lands in this state heretofore granted, or that may hereafter be granted by the United States to any corporation or to which any railroad corporation, is now or hereafter may become entitled by the building of its railroad or otherwise, shall be subject to taxation, from the time the grant thereof takes effect, and every corporation shall be subject to taxation upon all credits accruing to the same, in respect of the sale or what disposition soever of such lands.

Sec. —. Any corporation created,

this in the constitution. I do not know why gentlemen are so very anxious to incorporate a provision of this kind in the constitution, it may be, the gentleman from Otoe (Mr. McCann) has a large amount of property lying upon streets that need grading, or that some other gentlemen may be similarly situated, and desire to have taxation in that way in order to get those streets graded. I will not assert that to be the case, but, if it is not, they are laboring under a misapprehension in regard to the proper system of taxation. I think, where you find one man in any city in favor of it, you will find 500 against it.

Mr. McCANN. Mr. Charman. The insinuation of the gentleman from Douglas (Mr. Hascall) as to the motives of the chairman of this committee or other members of this convention is unworthy of the gentleman. So far as I am concerned my county has not sent me here to protect my own interests. When any gentleman can find me proposing a measure which has any such object in view I will consent to have my motives impugned, but I treat it with that degree of scorn which it deserves. I believe that the taxation of adjoining property for improvements of streets is proper and right, but, I am informed, since we were last in committee of the whole upon this subject, that even in my town the majority prefer the other plan suggested by my colleague (Mr. Mason). I not only wish to consult the wishes of my own county, but, the wishes of the majority of the people of the state upon this subject. I hope we may discuss this question and decide it without impugning any selfish motives to the members of this convention.

Mr. WAKELEY. Mr. Chairman. I do not wish to discuss this matter elaborately, I am not prepared to do it systematically or upon authority, but there is an idea connected with this subject which I wish to express. It is this, if the fact of striking out these lines will be to allow corporations to make a local improvement in any part of the city and assess the cost of the improvement upon all the property of the city without any reference to the amount of benefit the property receives, I am opposed to it, and offer an amendment which I think establishes a just and proper rule for paying damages for these local improvements. I do not like the section as it stands. It provides that local improvements may be made by special taxation of contiguous property, that you require, perhaps, that no property should be taxed except that which immediately adjoins the improvement, for instance, a pavement is laid down in one of the principal streets of a city, it might have the effect of restricting taxation of that property which adjoins the street, and so, if a public park were to be laid out in one portion of the city, might authorize the municipality to charge the entire expense of purchasing the grounds for the park and laying it out, upon the property which it immediately adjoins, which was contiguous to it. I think that rule would be unjust because property

that does not immediately adjoin local improvements may be largely benefited by it, in other words, you should not necessarily charge the expense of constructing a local improvement according to the foot front of adjoining property. It often happens that a street is graded or paved and the property lying along the street is assessed at so much per front foot, and property in the same block, and that is benefited to a great extent, is not assessed at all. That rule is unjust and I think the rule established by the authorities is a just and proper rule, that you may charge property, especially benefited, at a higher rate than you charge property not benefited at all. I propose to amend this section by striking out the words "contiguous property" and inserting the words "property benefited." That is my idea of a just rule of taxation; a municipality has the power to construct improvements for public use which must be paid for by a tax.

Mr. ROBINSON. Mr. Chairman. There is no doubt as to the justice of the measure moved by the gentleman from Douglas (Mr. Wakeley). The great difficulty I see is in the application. I do not see how the legislature is to apply any rule to what extent property is to be benefited by local improvements. I see breakers ahead but I certainly am much more in favor of it than I am of the section as it now stands. It has been said by the gentleman from Douglas (Mr. Hascall) that it is wrong to levy a general tax upon the inhabitants or property holders of a community for local improvements; and I admit that, in some cases, it would work unjustly, but it looks to me equally unjust to build a sidewalk in front of my lot, property I do not desire to improve, to levy a tax upon me of one or two hundred dollars, almost as much as the property is worth. It is not for my benefit that the walk is built. It is done for the ornamentation of the city, by the city council. I have not petitioned for it. When I want a walk I will build. If it was provided, whereby all the inhabitants or property holders benefited by local improvements, should be made to contribute their proportion, that, certainly, I would think was a proper way.

Mr. MASON. It seems to me that the amendment comes as near perfection as we can get in the exercise of the taxing power. When we levy these special taxes for local improvements we should levy them just in proportion to the benefits accruing. That is as near equal and exact justice as we can come in any human law; and while I was I think, among the first to reject the original provision, the amendment proposed meets my approbation; because, I think it comes as near justice as possible. I hope the amendment will prevail.

Mr. ABBOTT. I think this is open to the same objections—it only differs in degree—to the very objections we urged against the first three lines of the section. No man would think of taxing the farm of any man for building a bridge across a stream near his farm. They levy the tax upon all alike. In cities it may be

that certain men, living on certain streets, receive more benefits than others from local improvements, but the whole county is improved by road improvements in the country.

Mr. GRIGGS. I am in favor of the original amendment offered by the gentleman from Otoe, to strike out the three first lines. I am like the gentleman from Hall (Mr. Abbott) I think it ought to be uniform. But I do not see how we are to arrive at a conclusion as to whether there is any special benefit to any property. We would have the same difficulties to overcome as were alluded to by the gentleman from Otoe, as to the classes of benefits in the case of railroads. I would consider it a benefit to have a lot graded, but another man might not. Although they might grade up my lot, and it is improved, it may still be a greater benefit to a person living in another part of the city. I do not think it would be just, simply because I owned that lot, to make me pay the taxes for that improvement, which is enjoyed more by somebody else. Do not let us have any dog in the manger business; but make every man help pay for the improvements. I shall vote against the amendment.

Mr. HASCALL. I am satisfied that the gentleman who has just spoken has not fully considered the subject, and that he really does not comprehend the objections I raised to this system of taxation. If a lot owner lets his lot remain without improvement on a street, and that street is paved, or the sewerage or improvements, local in their nature, are made, that lot must bear its just proportion of the tax, as does the other property. But, what I object to is, that you will grade a business street in the city, make an expensive sewer, put down a Nicholson pavement or nice sidewalks, and do all this at the expense of the whole city. The taxes should be levied only upon the property of that street where the improvements are made, or according to the benefits accruing. If contiguous property is benefited, there is no serious objection to making that property pay according to the benefits enjoyed.

Mr. ABBOTT. You say if you improve a certain business street, you would only tax the men upon that street. Why?

Mr. HASCALL. Because, when you grade a street, you add ten or twenty per cent. to the value of the property. When you put an expensive sewer under that street, you add to the value. People do not travel in sewers, they travel the streets and pavements. It is more expensive to build a sewer than any improvement, and that is peculiarly to the benefit of the property adjoining—those who drain their premises into the sewer. When you grade a street you add a certain per cent. to the whole property abutting on the street; when you make sidewalks, construct a sewer, you add the same, and they are forced improvements, local in their nature; that the remainder of the inhabitants of the city have no interest in. There may be a locality where a park is built and it may be of benefit to the people in the locality, but not to another part of the city. Therefore, it is unjust, and

wrong in principle, to put a provision in the constitution that ties you right down to this unjust and arbitrary rule, that you can make taxation in no other manner whatever. I can imagine how this may work, and particular individuals be benefited by it. And while I take occasion to disclaim that I do not charge anything I had said to the gentleman from Otoe, yet the coat fit him so well he had to growl about it. I am satisfied, now, since I heard his growl, that he does own property in some part of the city, and he has to have sewers under that property; and, consequently, notwithstanding that all men may be wealthy and have valuable business lots, still they growl when they have to pay their taxes for these improvements; and they are very willing to let poor people, who live in additions to a town, and who are not benefited, come in and help relieve them of this taxation. And if they are able to own business lots that pay a revenue either by way of ground rent or buildings, they should be willing to pay taxes for the improvements which make the street a first-class one. If they grumble to do this, let them sell out and buy other lots. The principle would be unjust and arbitrary, but the plan suggested by my colleague is not as objectionable. I am aware by appropriate legislation, that could be made feasible, it is a very easy matter to pass a law to ascertain the benefits. Therefore, I would have no objection to that kind of an amendment. Gentlemen have spoken about the state of Illinois. That state got sick of the old mode they had and they tried to get something better.

Mr. THOMAS. Mr. Chairman. I am in favor of the proposition which has been offered by the gentleman from Douglas (Mr. Wakeley). It would be wrong to pay for all local improvements by general taxation, and I believe this proposition is not peculiar to the Illinois constitution. I believe it is as old as cities. In New York, local improvements are paid for by local assessment, and local taxation. Ever since we have been a state or territory for that matter, local improvements in cities or towns have been made by local taxation. It seems to me it would be impossible to carry on a government justly unless we admit this proposition that local improvements must be paid for by local taxation. A street may be opened in a certain part of a city it may be of no benefit to the whole city, yet it may be opened in such a way that the persons living upon that street may be benefited. Now, is it not right that this assessment should be imposed upon that portion of the city which is benefited? Under our present laws in cities of the second class, ever since this tax was adopted, and even before, these improvements were made by local assessment. I have understood it is the same in cities of the first class.

Mr. HASCALL. It is the same in cities of the first class.

Mr. THOMAS. So I have been told. These improvements are made in this way: the owners of the property, or a portion of them petition the city council to make a certain

improvement. The city council orders the improvement made and then assess the people living right there when the improvement is made, to pay for it. I cannot see any difference between the amendment proposed today by the gentleman from Douglas (Mr. Wakeley) and the report of the committee. Either will satisfy me.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Douglas (Mr. Wakeley) which is to strike out the words "contiguous property," and insert the words "property benefited."

The amendment was agreed to.

Mr. WAKELEY. Mr. Chairman. I move to strike out the word "by," in the second line, between the words "or" and "special."

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from Douglas (Mr. Wakeley.)

The amendment was agreed to.

The CHAIRMAN. The question is upon the adoption of the section as amended, which reads:

Sec. 9. The legislature may vest the corporate authorities of cities, towns, and villages with power to make local improvements by special assessment, or special taxation of property benefited or otherwise for other corporate purposes. All municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

The section was adopted.

The Chairman read section 12, as follows:

Sec. 12. No county, city, township, school district, or other municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property, therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, as aforesaid, shall, betownship, school district, or other municipal corporation, incurring any indebtedness, as aforesaid, shall before or at the time of doing so, provide for the collection of a direct annual tax, sufficient to pay the interest on such debt as it falls due, and, also, to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation from issuing bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution, in pursuance of any law providing therefor.

Mr. TOWLE. Mr. Chairman. I move to amend by striking out the words "five per centum," in the third line, and inserting the words "ten per centum."

Mr. GRAY. Mr. Chairman. I seems to me that the two sections that have been passed, to-wit. one opposed to bonds and the other allowing them, did away with this. The independent section on the subject of bonded indebtedness which it is proposed to submit is to take the place of another section. This matter has no reference to this section. If the section submitted as an indipendent one is voted for, it would

take the place of this section. This matter of county bonds is one of those terrible abuses that we have rushed into here in this state that needs checking. Now, I suppose that if this section means anything, it will mean precisely the same as the section which applies to railroad bonds, and therefore it means notning. We might have struck out section twelve. We do not need to provide for everything in the constitution. When you give the legislature authority to do a certain thing they have the power to make all the general regulations with reference to it, to grant general authority, but not to go into the minutia of the matter, we certainly do not want that.

Mr. KIRKPATRICK. Mr. Chairman. This is the report first made by the committee after having examined this matter; the committee reported simply this, sir:

"After the adoption of this constitution no county, city, town, municipality or political corporation shall ever be allowed to become indebted in any manner, or for any purpose, to an amount in the aggregate exceeding at any one time five per centum on the value of the taxable property within said county, city, town, municipality or political corporation, to be ascertained by the last assessment of taxable list of property made under the laws of the state next preceding the incurring of such indebtedness."

That was just for the purpose of building bridges and such necessary improvements, and was not intended to refer to this matter, and the question of discussing bonds I simply call attention of the committee to this provision of this first report.

Mr. MASON. Mr. Chairman. I can see some good reason why this section should be retained. It frequently occurs in the county that a school district wishes to go into debt for the building of a school house, or, take the instance which has just occurred in my own county, all the bridges have been swept away. We ought to have the privilege to contract such indebtedness as will be safe to the community, because this is a section that benefits the whole community. I do not think it ought to be stricken out.

Mr. TOWLE. The only object of my amendment was to make the matter of indebtedness uniform.

Mr. McCANN. Mr. Chairman. I certainly hope the committee will refuse to strike out that section, it pertains to the interests of every city, town and precinct of the state. It certainly applies to debts other than donations to railroads. If we should limit it to ten per cent. I can see where my own county would be greatly embarrassed; even at the present time, we would have to put in bridges at private expense. Now this refers to those expenses which shall occur from time to time, which are accumulative. I hope sir, this may not be confounded with that other section which refers to the aid of railroads.

Mr. GRAY. Mr. Chairman. I confess I cannot understand the reasons of the gentlemen. They say we need the law, and if we could not have the law without a provision of this kind in the constitution I would agree with them, but the leg-

islature has always had the right to make provision for the purpose of internal improvement, and the only ground here is the amount of limitation, but the gentlemen don't put it upon that ground. Do you need a limitation? I think not in these regards; and it seems to me that the section is certainly unnecessary.

Mr. MASON. Before you sit down, I wish to state that I put it upon the sole ground that we have provided for a limitation.

Mr. GRAY. I can understand the position now of the chief justice and I can see more reason in it. It was not him I referred to. I think, so far, there has been no abuse, and I have seen no disposition to run into abuse in this direction.

Mr. BOYD. Mr. Chairman. I believe I understood you to rule today that if a motion to strike out is defeated, it is equivalent to the adoption of the section.

The CHAIRMAN. Yes, sir, if there are no amendments pending.

Mr. BALLARD. Mr. Chairman. I hope this motion to strike out will prevail, for the reason to my mind, it means railroad bonds, viewing it in that light I hope it will be stricken out.

The CHAIRMAN. The question is on striking out the section.

The committee divided and the motion was not agreed to.

Mr. BOYD. Mr. Chairman. I offer an amendment, to insert after the word "indebtedness" in the fifth line the following: "Unless a proposition be first submitted to the electors and a majority of the votes cast on such proposition be in favor thereof."

Mr. VIFQUAIN. Mr. Chairman. I move to amend by inserting "three-fifths," in place of "majority."

Mr. TOWLE. Mr. Chairman. I withdraw my amendment.

The amendment to the amendment was not agreed to.

Mr. WEAVER. Mr. Chairman. I shall oppose the amendment. We saw fit yesterday in a different article to prohibit going in debt exceeding ten per cent. Why not put a restriction in this article in the same manner? I can see no reason for an article in one direction limiting to a certain extent and this article allowing counties to become indebted to any extent.

Mr. GRIGGS. Mr. Chairman. I can see a great difference in our action yesterday and the proposed action today; there is a great difference in the questions at issue. While I can see good reason why counties should not be allowed to go into debt for railway purposes, I do not see the same reasons will apply in this question as it would in that. I think it should be left to the people to say what amount they shall become indebted to. In a great many of our counties we are already in debt for court houses, bridges and many other things. This includes the outstanding indebtedness, if it excluded that I think five per cent would be enough. I would not vote for more, but it says including present indebtedness. There are a great many counties and districts indebted three, four or five per cent and they could

not run their organization without a greater tax than that. I think by a majority vote the will of the people should be law.

Mr. WEAVER. Mr. Chairman. I am sure gentlemen of this committee when they consider this proposition in the light in which it is in this section, have not considered the figures touching this. Take a single county worth three millions, which is not much for a single county. It is proposed by this proposition that without a vote of the people they can go into debt $150,000. I wish to know if any one will endorse this. I shall support the suggestion to strike out "five" and insert "one." $30,000 is sufficent, and I should regret very much that our county could be permitted to go in debt to the amount of $150,000 without a vote of the people.

Mr. SPRAGUE. We will suppose, for the purpose of this argument, if a county sees fit to loan its credit for the purpose of making a canal. It is an internal improvement, and the language of the section is "for public improvements." And under this provision we can go to work and make provision for anything except building railroads. If it is important to limit in regard to railroads it is just as important to limit to other things. And I cannot see the propriety of putting in this amendment. Hence, sir, I shall vote against it.

Mr. ROBINSON. I am in earnest when I say we have, instead of providing for limitations, practically taken away all limitation. We are told if we put it at fifty per cent. we are taking away limftation. If I understand it, this is to be levied by the authorities of the county, city or other officers of a municipal corporation. Five per cent. is too big power to be put in their hands. They will exercise that power and will be the parties to judge. I think this ought to be cut down to one per cent. and if the people desire to levy a larger amount let them vote upon it. We ought to put enough limit upon these authorities, and let them have just enough money to run the expenses of the corporation, the ordinary expenses, and if extra tax is to be levied outside the ordinary running expenses of the government, the people ought to say. If we are to give by our constitution, authority to the county or city authorities to levy taxes we ought to throw around them safeguards such as will protect the people.

Mr. MASON. I desire to make myself understood. I am not for the amendment proposed by the gentleman from Douglas (Mr. Boyd) by any means, but I am for this amendment to insert after the word "indebtedness" at the end of the period, the following: "And no such indebtedness shall be contracted or incurred unless the proposition therefor shall have been submitted to a vote of the people and receive a majority of the vote cast thereon, and the legislature shall provide by general law for the submission of the proposition to incur such liability." Now, sir, I intended a restriction, and not to give an unlimited power to contract indebtedness. And if the amendment proposed by the gentleman from Douglas shall prevail, then

they may contract the five percent. without let or hindrance; and after that they may contract a $1,000 per cent by a vote of the people. And if it should prevail then, indeed, sir, we have undone all that we have done to provide restrictions for municipal indebtedness. And to take the sense of the committee on that amendment, I move to lay the amendment of the gentleman from Douglas on the table.

The CHAIRMAN. You cannot do that.

Mr. MASON. Then I propose to offer, when I can, the amendment I have just read.

Mr. BOYD. I wish to offer one suggestion. We say in the second line of section twelve "or for any purpose to an amount including." If I strike out the word "including," and insert "exclusive," I will be satisfied with the one per cent of the gentleman from Lancaster.

The CHAIRMAN. The question is upon the amendment of the gentleman from Douglas.

The amendment was not agreed to.

Mr. MASON. I now move to insert, after the word "indebtedness," in the fifth line, "and no such indebtedness shall be contracted or incurred until the proposition therefor shall have been submitted to a vote of the people and receive a majority of the votes cast thereon, and the legislature shall provide, by general law, for the submission of such propositions to incur such liability."

Mr. GRIGGS. Mr. Chairman. Under this provision can a county go into debt to any amount without a vote of the people?

Mr. MASON. Mr. Chairman. You will find that counties are able to levy two dollars upon every hundred to defray running expenses. If they go beyond this they ought to submit it to the people. Experience has taught all governments that without some safe limitations upon taxation there is danger to society. Now, can any gentleman say the emergency is so great that the proposition should not receive a majority of the votes of the people under some provision provided by the legislature? I say when the people are to be taxed they ought to have a vote upon that taxation. When I opposed the striking out of this section, I intended it as a limitation, but supposed that the committee had provided for this matter, and now I understand that we are to take away the power to levy taxes of more than two per cent. without a vote of the people.

Mr. ROBINSON. Mr. Chairman. I don't know whether I have the proper construction of this proposition or not, I think the ninth section is not for the purpose of providing for indebtedness, but for paying indebtedness. The twelfth section provides that a county shall not become indebted. The amendment of the gentleman from Otoe (Mr. Mason) provides that a county cannot become indebted without a vote of the people. I think that is right, that neither state, county, town, school district or any other subdivision of the state, should incur indebtedness without a vote of the people. So far as the county busi-

ness is concerned this twelfth section does not apply to taxes levied for that purpose. That is the way I construe it. I will ask the gentleman from Otoe (Mr. Mason) whether he means to say, that no indebtedness exceeding five per cent shall be incurred without a vote of the people, or that no indebtedness at all shall be incurred without a vote of the people?

Mr. MASON. I meant to say that no indebtedness at all shall be incurred without it being first submitted to a vote of the people.

Mr. WAKELEY Let me put a case. The city of Omaha may be indebted more than five per cent. upon the valuation of all its property. Now any additional indebtedness that is made will have to be sanctioned by the people. Suppose they have got to levy a tax of one per cent., that that tax has been made to meet the expense of the city. The city is already indebted the five per cent. Suppose the city wants to buy a steam engine to be paid for out of the next year's collection Now, I understand that the city of Omaha could not make a contract for this purchase because it was already indebted over five per cent. It is unnecessary to say that it may be paid out of the taxes levied when the money gets into the treasury, because when it is already indebted to this maximum amount it cannot make a contract Take a school district. Suppose it is in debt five per cent. upon the property and they built a school house which costs $2,000. A levy is made, at the time, to pay what it will cost, and the contractor is told that he can have his money as soon as it is collected, "but," says he, "here is a constitutional provision which says you have no right to go into debt." I think that is the effect of the amendment.

Mr. MASON. I admit that it prohibits going into debt for a steam engine without first submitting the matter properly to the people. That was just what I had in my mind—to prohibit such going into debt without a vote of the people.

Mr. WAKELEY. Mr. Chairman. We cannot run the city of Omaha one hour under that provision. If a hose should break at a fire, we could not send it to a saddler and have it fixed, because the city would have to run into debt. Now, Mr. Chairman, I do not intend to vote for any such provision

Mr. ROBINSON Does not the ninth section cover your case?

Mr. WAKELEY No, sir, the ninth section applies to local improvements only. I don't see that it gives the city power to collect taxes; but, suppose a tax is to be collected next year, but we have not a dollar in the treasury; the city wants to buy property, or a county wants to rebuild a court house after it has burned down. I tell you under this provision, neither the city nor county could go into debt a dollar for any purpose It forbids a city or county from going into debt

Mr. MASON. I desire my position to be understood. I don't think this affects the city indebtedness.

Mr. WAKELEY. Why don't the gentleman then say "except the

amount of the taxation levied for the current year?"

Mr. MASON. I will do that. What I desire is to give the city and county the right to draw upon the current expenses before the end of the year. Now, sir, I don't think this is the best provision that could be suggested, but I do say that the greatest evil is this going in debt.

Mr. McCANN. Mr. Chairman. I will have to vote against the amendment of my colleague (Mr. Mason), and I propose then to offer the following amendment: To strike out the word "countys" in the first, fifth and tenth lines, leaving counties to be provided for in section eight.

Mr. MASON. I will withdraw my proposed amendment so as to give the gentleman an opportunity of perfecting the section.

Mr. McCANN. I will offer that amendment.

Mr. HASCALL. It seems to me that striking out the word "county," don t answer the purpose. I cannot see that section eight is sufficient for the counties. There is nothing here for bridges. There is only two per cent. provided for by that section. I for one will oppose striking out the word county.

Mr. ABBOTT. I think the section had better be stricken out, and a new section substituted to provide for improvements of a certain kind in the county.

Mr. KIRKPATRICK. Mr. Chairman. If I had an opportunity I think I could offer a section here that would be satisfactory to this body, but I believe that I cannot move it now, sir.

The CHAIRMAN. The chair will permit the gentleman to read the proposition, but cannot entertain a motion.

Mr. KIRKPATRICK. It is this: To strike out all before the word "same" in tenth line and add the following:

"After the adoption of this constitution no county, city, town, municipality or political corporation, shall ever be allowed to become indebted in any manner, or for any purpose, to an amount in the aggregate exceeding at any one time five per centum on the value of the taxable property within said county, city, town, municipality or political corporation, to be ascertained by the last assesment or taxable list of property made under the laws of the state next preceding the incurring of such indebtedness."

Now, sir, that provision will allow for the contracting of a debt to the extent of five per cent., and it also excepts the present indebtedness. Here is a proposition that is liberal and one that was carefully considered in the committee, and it seems is quite sufficient for the purpose. I believe this provision will be satisfactory.

The CHAIRMAN. The question is on the amendment of the gentleman from Otoe (Mr. McCann.)

The motion was agreed to.

Mr. WEAVER. Mr. Chairman. I move to strike out the section.

The motion was agreed to.

Mr. McCANN. Mr Chairman. I move the adoption of the following section:

"After the adoption of this constitution no county, city, town, municipality or political corporation shall ever be allowed to become indebted in any manner, or for any purpose, to an amount in the aggregate exceeding at any one time five per centum on the value of the taxable property within said county, city, town, municipality or political corporation, to be ascertained by the last assessment or taxable list of property made under the laws of the state next preceding the incurring of such indebtedness. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution, in pursuance of any law providing therefor."

Mr. TOWLE. Mr. Chairman I move to amend the section by inserting "five" instead of "ten."

The motion was not agreed to.

The CHAIRMAN. The question is on the adoption of the section.

The section was not agreed to.

The Chairman read the next section, as follows:

Sec. 13. The Governor, Auditor of State, State Treasurer, and members of the State Senate shall constitute a board of equalization, and shall meet at least once in each year, for the purpose of equalizing the assessment of property throughout the state.

Mr. ABBOTT. I move to strike out the section, and leave it entirely with the legislature. They tried a plan like this in Illinois, and they got tired of it. If the legislature wish to make a larger board they can do so. I object to anything going into the constitution which is entirely untried, as this is.

The motion to strike out was agreed to.

The chairman read the next section, as follows:

Sec. 14. The legislature of the state at its first session shall provide by law for the funding of all outstanding warrants, and other indebtedness of the State, at a rate of interest not exceeding ten per cent. per annum; and all counties, cities, towns, or other municipal corporations may fund their outstanding indebtedness in bonds bearing a rate of interest not exceeding ten per cent. per annum, in such manner as the legislature may provide.

Mr. MOORE. I move that that ten per cent. be changed to eight per cent.

The motion was not agreed to.

The section was adopted.

The Chairman read the next section, as follows:

Sec. 15. The legislature shall provide by law that all claims upon the treasury shall be examined and adjusted by the auditor, and thereupon be transmitted to the secretary of state for his revision and approval thereof, before any warrant for the amount allowed shall be drawn.

The section was adopted.

Mr. McCANN. Mr. Chairman. I move to insert the following as an additional section:

Sec. ___. Whenever there shall be in the state treasury, to the credit of the sinking fund, the sum of $5,000 dollars, or to the credit of other funds, in the aggregate, the sum of $15,000, the treasurer shall, by public advertisement, invite proposals for the loaning of such excess, subject to call, upon sixty days notice, such loan or loans to be secured by bonds of the state of Nebraska, or bonds of the U. S.; and all such surplus funds shall be so loaned to such institution or persons as shall

propose to pay the highest rate of interest for the use of the same, secured as herein provided."

Mr. HASCALL. I move to amend by saying after the words "United States," equal to the amount of such loan."

Mr. GIBBS. I hope the convention is not going to vote to place any kind of an article in the constitution by which this state can loan money. I think we have had examples of money loaning only very lately. I think we will do well to vote this down.

Mr. McCANN. This article was not considered in the committee. I have offered it, as the chairman of the committee, at the request of several prominent citizens of the state, and from the fact that the gentleman from Douglas (Mr. Woolworth) is not now present. He gave notice, if the convention will remember, that he would offer this as an independent section, at the proper time. I am perfectly willing, so far as I am concerned, to leave this to the legislature. I offer it because it has been asserted by gentlemen in financial circles, in different parts of the state, that they would insist upon it, and the gentleman from Douglas gave notice of this section several weeks ago.

The section was not adopted.

Mr. GRAY. I move that the committee now rise, report the article back and recommend its adoption as amended.

Electoral and Representative Reform Proposition.

Mr. WAKELEY. I ask, Mr. Chairman, that we proceed to the consideration of the other matter referred to this committee—the proposition submitted by the committee on Electoral and Representative Reforms.

The Chairman read the proposition, as follows:

Proposition.

At any election when three or more persons are to be elected to the same office by the same constituency, each qualified voter may cast as many votes for any candidate as there are persons to be elected to such office, or may distribute the same, or equal parts thereof, as he may see fit, among the candidates not exceeding the number to be elected. The candidates highest in votes shall be declared elected: or of an equal vote for two or more having the requisite number shall require it, the choice between them, shall be made by lot.

Mr. WAKELEY. So as to bring it before the committee, I move that this proposition be reported back to the convention with the recommendation that it be referred to the committee on schedule, with instructions to provide for submitting it to the people as a separate proposition to be voted upon.

Mr. GIBBS. I move as an amendment that we recommend the convention to indefinitely postpone the matter.

Mr. WAKELEY. I do not wish to take any time upon this. I merely ask that the same disposition be made of this proposition as has been made of several other questions of great public importance. That is, that it be submitted to the people for their determination; and I do not suppose that there is any disposition to indefinitely postpone it. If I thought there was I should be dis-

posed to press it before the convention. I certainly insist that a proposition of that importance merits to be respectfully treated, and should be submitted to the people as a separate proposition.

Mr. MASON. Mr. Chairman. I hope this motion to indefinitely postpone this matter will not prevail. I think we ought to let this proposition go to the people. That is all the friends of the measure ask.

Mr. BALLARD. Mr. Chairman. I am placed in rather a peculiar position and apprehend that my friend, Judge Wakeley, is placed in rather a peculiar position. I asked, the other day, that the capital should be located by a vote of the people. I believe all my democratic friends voted the proposition down.

Mr. VIFQUAIN. Mr. Chairman. I beg to correct the gentleman I did not vote against it. (Laughter)

Mr. BALLARD I said I believed they did. Now, gentlemen, when this question comes up, I shall vote for it: I will take the Bible rule, and do good for evil.

The CHAIRMAN. The question is upon the motion of the gentleman from Burt (Mr Gibbs,) which is to recommend to the convention that this proposition be indefinitely postponed.

The motion was not agreed to.

The CHAIRMAN. The question is upon the motion of the gentleman from Douglas (Mr. Wakeley) that the committee rise, recommend to the convention that it be referred to the committee on schedule to provide that it be submitted to the people as a separate proposition.

The committee divided and the motion was agreed to.

Mr LAKE. Mr. President. The committee of the whole house have had under consideration, the report of the committee on Revenue and Finance. They have proposed certain amendments thereto, and recommend that the article, together with the amendments attached, be adopted by the convention They have also had under consideration a section approved in committee of the whole house, which they recommend be referred to the special committee, consisting of the judiciary and Messrs. Wakeley, Estabrook, Sprague and Maxwell. They have also had under consideration the report of the minority upon Electoral and Representative Reform, and they recommend that it be referred to the committee on schedule to be submitted to the people

Leave of Absence.

Mr. EATON. Mr. President. I ask leave of absence for my colleague, Mr. Newsom, until Monday at 2 o'clock.

Leave granted.

Mr. STEVENSON. Mr. President. I move we take up the proposition on Electoral and Representative Reform.

Mr. WAKELEY. Mr. President. I move we refer this proposition to the committee on schedule, to be submitted as a separate article.

The secretary proceeded to call the roll.

The President announced the result Ayes, 32; nays, 7—as follows:

YEAS.

Abbott,	Manderson,
Ballard,	Moore,
Boyd,	Myers,
Curtis,	Parchin,
Cassell,	Philpott,
Eaton,	Robinson,
Estabrook,	Stevenson,
Granger,	Stewart,
Hascall,	Scofield,
Kirkpatrick,	Shaff,
Lake,	Thomas,
Lyon,	Thummel,
Majors,	Tisdel,
Mason,	Towle,
Vifquain,	Wakeley,

Weaver,

Mr. President.—32.

NAYS.

Gibbs,	Kenaston,
Gray,	Kilburn,
Griggs,	Reynolds,

Wilson.—7.

ABSENT AND NOT VOTING.

Campbell,	Neligh,
Grenell,	Newsom,
Hinman,	Parker,
Ley,	Price,
Maxwell,	Speice,
McCann,	Sprague,

Woolworth.—13.

School Funds and Lands.

Mr. ESTABROOK. Mr. President. I ask leave to hand in a report of the committee on Education, School Funds and Lands.

The report reads as follows:

The committee on schools, school funds and lands, to whom was referred section 4 of the article on education, reported by this committee, together with an accompanying amendment, respectfully report the accompanying section and recommend that the same shal be adopted as a section of the article on education. They also instruct me to report a recommendation that section 4 be referred to the committee on schedule, to be submitted as a separate proposition.

E. ESTABROOK.
Chairman.

Sec. — All fines, penalties and licenses arising under the general laws of the state shall belong and be paid over to the counties respectively, where the same may be levied or imposed, and all fines, penalties and license moneys arising under the rules, by-laws or ordinances of cities, towns, precincts or other municipal sub-divisions less than a county, shall belong and be paid over to the cities, villages, towns, precincts or other municipal sub-divisions less than a county respectively. The fines, penalties, and license moneys in this section specified, shall be appropriated exclusively to the use and support of common schools in the respective sub-divisions in which the same may accrue, and the purchase of suitable libraries and apparatus therefor.

Adjournment.

Mr. STEWART. Mr. President. I move we adjourn until 8 o'clock this evening.

The motion was agreed to.

So the convention (at 5 o'clock and fifteen minutes) adjourned.

Evening Session.

The convention met at 8 o'clock p m., and was called to order by the President.

The PRESIDENT. The question is on the special order of taking up the article on suffrage in convention.

The motion was agreed to.

The PRESIDENT. Will the gentleman from Douglas (Mr. Boyd) take the chair?

The PRESIDENT, pro tem. Gentlemen of the convention you have

before you the article on Rights of Suffrage, the question is on striking out the second section.

Mr. WILSON. Mr. President. I hope that the rule made sometime ago will be closely adhered to, to-night for fifteen minute speeches.

Mr. MYERS. I call for the reading of the section to be stricken out.

The secretary read the section, as follows:

Sec. 2. The legislature may extend by law, the right of suffrage to persons not herein enumerated, but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all votes cast on that question at such election.

Mr. ESTABROOK. Mr. President. I believe I had the floor at the time of the adjournment the other evening, but, sir, if it is the desire of the convention not to hear me further, I will say no more.

(Go on! Go on!)

Mr. MOORE. Mr. Chairman. If the gentleman will permit me I will move that he have time indefinite for the completion of his speech.

The motion was agreed to.

Mr. ESTABROOK. Mr. Chairman. I regard this as the most important subject that has engaged the attention of the convention. Why? Everything that has been done thus far, all the duties that have been performed, all the articles, all the provisions reported and adopted, have been measures and matters, in no case has there been any fundamental primary principle involved, nothing in the way of fundamental ideas which lie at the bottom of governments would be lost to the people of Nebraska. But, sir, unless my views are erroneous, unless I am mistaken in regard to the topic under consideration it cannot be overlooked without making such an omission as shall affect the very end for which government should be made, without rejecting that which pertains to the fundamental force of a republican government. Now, sir, I do not come with any studied speech, I come as an individual charged to some extent with the duties of statesmanship, to talk to men who come here for an interchange of views upon the question of what shall constitute the fundamental law of the state of Nebraska. I would hope we might reason together, for I believe reason was implanted in the brain of man for the purpose of enlightening his pathway through life, so that I would ask that, in the consideration of this subject especially men would lay aside prejudice and take counsel with their reason. It is said he who cannot reason is a fool, he who can reason and will not is a bigot; he who can reason and dare not is a slave. I imagine there are none such here in this convention, although I am willing to admit, Mr. Chairman, that he who believes he has the least of prejudice may have the most of it; but, sir, not to dally too long upon this, I will only make an additional remark. If the entire body of this convention shall furnish me reasons why a female, because she was born without any intervention of her own, into this breathing world, a female not a male,

should be compelled upon this stand to bear the burdens and responsibility of government without being permitted to share equally in the privileges that stand over upon the opposite side against the burdens and responsibility. I will pledge myself to yield unqualifiedly; I will yield and never utter any sound again in regard to this subject so far as I am concerned, the word male shall be written as Gen. Hancock wrote his name on the Declaration of Independence, with a heavy stroke, and that the great seal should be put to it to give it additional solemnity. But I come here bringing no argument. I found two or three books in the library yesterday that bear upon the question; Blackstone, a book of fundamental law and two or three other works, of Franklin, Madison and Jefferson, and was permitted to read the thoughts of those great minds in regard to what principles should be regarded in laying down the foundations, in implanting the fundamental laws of government. It will be recollected that scarcely an individual opens his mouth here in a speech, that he does not advert to these great fundamental laws. The very first utterance this convention made, in the very first paragraph it adopted, in the very first article relating to the bill of rights has been the point around which all the great rights that closes all around our constitution, have been made to turn at every moment of time. Why, sir, I recollect the other day my friend the acting president of this body made one of his most eloquent efforts in behalf of the measure of requiring that there should be an election of the legislature to act upon any proposed amendment to the constitution, and among the very first utterances, one that seemed to be emphasized the most distinctly was a recital of this provision of the constitution. What is it? He said, "if a body is elected without reference to a provision, to a proposed amendment to the constitution of the United States, and that amendment is submitted to the legislature, if the people have not sent their representatives in view of that amendment." Hence it was argued that in order that the people should vote understandingly upon it, in order, in other words, to use the very language of the first section in the bill of rights itself, in order that they should be compelled to obey a law to which they had not given their consent. What was the law to which the president adverted, that it was necessary to elect a legislature in full view of it? Again I recollect my friend from Douglas (Judge Wakeley) to whom we all listened with so much pleasure, and in whose elequent speeches here we are all so much instructed. I recollect, sir, when he kept the attention of this convention on one occasion, a large portion of the evening. He then stated what would be the influence, to what extent it would run counter to this fundamental thought, if his favorite doctrine of minority representation were not adopted as a part of this constitution and, sir, it was curious to witness the effort made in the consider-

ation of this subject to see how exceedingly solicitous they all are, not only, that the majority shall have representation, not only that the majority shall not be governed by laws in which they have no voice, and the enactment of which they have no instrumentality, but, sir, in seeking them out in the hedges and ditches, in the byways, rocks and corners, wherever there may be a little handful of individuals to whom this great fundamental principle is not extended wherever they may be, that such individuals, by some means, by some provision that we may establish here, should have this great fundamental thought instructed to them to-wit: How small may be a majority, even to the minority it should not be required of them that they should obey a law to which they did not have an opportunity of giving their consent. Then again, sir, on this very day. very near the close of the session of this convention, I had heard it repeatedly, by the same gentleman, when they make utterances, it is to be regarded as a sualification of something. I took my pen again and put it down on a piece of paper. I can bring up something to illustrate the importance of the principle for which I contend.

Said the gentleman from Otoe—the gentleman from Otoe has had allusions to make which were not agreeable to the convention or individuals. I say when I hear an utterance from his lips, I know it is worth recording. And this fell from his lips, and I took it down on paper, and it is not only sound to the very core, but illustrative of the very principle I contend for here. He said—"When the people are taxed they ought to have a voice in the matter of taxation." That was his idea. I took it down at the time. There is a reference in the article the gentleman himself presented here, which goes to show that he believes that wherever there is an individual to govern or tax, that that individual should have the right to consent to the government, or the right to be represented in the government which levies the tax. Now, in connection with this, I want to put it to this convention in this wise. Are we going to adjourn, and before we do so, so put up the bars in this constitution as that there shall be a class omitted who shall be governed and not have the right to give their consent; who shall be taxed and not be represented? Shall we thus omit a class, and shall that class be a numerous class? A class equal to the class admitted to the right of suffrage? Shall that class moreover be one of adults? Shall it be an intelligent class? Shall it be a class that has every other qualification except the qualification of class? And shall we so put up the bars here as that that class shall be absolutely omitted, and be constrained as is the subject of the monarch of Russia, to obey the behests of the sovereign power without any power to indicate what are her wishes, and without any possible power of relief? Now, is she not amenable to this objection?

Suppose, Mr. President, that, under the provisions of this constitution that we are about to adopt, after

it is adopted—that the southwestern railroad coming in here from Omaha through the county of Cass, as there is quite a prospect it will do, should ask the county of Lancaster to give them bonds of $50,000. Now, that question will be submited to the people. Who shall decide it? The constitution you have adopted says already it shall take three-fifths. Why not a majority? That was well argued. If you leave it at three-fifths it will leave a margin so that a majority of the property shall have an opportunity of voting upon the question. And the bonds go out. Now, then, a year goes around, and the bonds are not due, but the interest is, and it is put in the tax roll. The tax gatherer goes around, and knocks at the door and demands $25, perhaps. And it is paid and he applies it to the interest. He goes to the next door and a lady meets him. She may be a widow or a maiden lady, and, under our laws, she may be a married woman and carrying on business in her own name; and she may be an owner, not alone of the house but the personal property. He asks her for her tax. She asks him how much? He says "$25." She asks, "what for?" For bonds. "What bonds?" "Bonds this county voted to the Omaha & Southwestern railroad." "I never voted for granting any bonds." He replies, "But you live in Russia: You live under a monarch; we tax you but you are not permitted to have any voice in the question whether those bonds shall be issued or not." He says, simply, "Madam, you are a woman: guilty of being a female, and, hence, it is that you shall be absolutely disfranchised. You shall suffer the punishment which the laws name." And I can point you to our statutes today, where a person who is guilty of crime shall be disfranchised. Of what crime is the widow guilty? The crime of being a woman! Now, then, I am told here some of the things have been whispered to me—I stand here in the entire confidence that nothing can be uttered opposed to this that I cannot vanquish. Just so soon as words can reach it. But I am told here that gentlemen would go in for this if women said they wanted it. Well, sir, it is in this matter, as in the case of the negro, The negroes are gentlemen. They come into Nebraska and hold their heads up; they are good as anybody. Why are they any more than a white woman? Yes, sir, in a political aspect they are, because admitted to the full and entire rights of complete citizenship. The woman is not. But I do care whether your wife, or sister, or my wife, or sister or daughter shall desire this thing. There is this about it. If she has the simple privilege; if the door swings to her as it does to you and me, I believe no one has argued that a guard and corporal shall be sent to compel her to vote. But what I was about to say is that whatever may be her desire, while, sir, I think very much of woman, I do not believe that this constitutional convention is the place for love making to them; and I do not know them in this transaction any more than I do the negro. I have a perfect abhorrence of a negro. I once

belonged to a convention where it was argued that the negro should be admitted to citizenship. My reason was because the work was incomplete while there was a class out who might be made to bear the burdens. Well, sir, have we governed without consent, or taxed without being represented? The work was incomplete the foundation was not perfect, the key to the arch was missing. The pillar of the constitution was tottering without it, and hence, in the case of the black man as in the case of the woman today, so she belongs to a class who are compelled to bear the burdens of government in this land. I demand that the work shall be completed. Not for the sex of the woman and not her name; but for her own sex and the name of the government. You may go to Asia, and go among the women there, and they will say it is a most horrible thing if a woman appears on the public streets without her veil. This is a matter of fancy.

But, sir, all these things savor of silliness. Don't they remind you of the twaddle you heard six years ago? When we were talking about the negroes going to vote. They said, "Don't you know you will have to invite them to dinner; you will have to sleep with them, and give them to your daughter to marry." We have found long ago that while we give to the Irishman, and the Dutchman, brought from the old country, and the black man; while we, in order to make the government perfect; that a man or woman either to win her way or his to a social position, is to do something else than to be merely admitted to civil and political rights. I charge it here, now, upon the consideration of every member here. You are here to do what? To lay down fundamental laws. Do you propose to so provide as that there shall be a numerous intelligent adult, worthy class to be governed by your laws without any voice; taxed without any power of representation? Do you propose to adjourn without giving that class those privileges? I put it to you, by virtue of your oaths?

Now, sir, one thought here. I was told today, when I was suggesting with some degree of triumph—perhaps the president will remember—where an individual could answer an argument in regard to railroad bonds. "Why," says a friend of mine, "a child is taxed the same as a woman." Now, sir, as this argument is so exceedingly common, let me pay my respects to it for a moment. It is true if a boy—a puny boy in his mother's arms though he may be—own a farm, that farm is taxed—taxed to pay railroad bonds it may be. But is there a parallel between this case and the case of the adult woman? But, in the first place, why does he not vote? There is no reason why a boy twenty years and three hundred and sixty-four days old is any less able to vote than he is the next day; but he is classed in the category of children. It may be that a child is not permitted to give his consent to be governed. Why? Why, because he is in the category of those whose intellect is not mature, but the time is coming

when his intellect will become mature—when he will vote, and have the right to exercise all the rights of citizenship. But, in the case of the woman, she is to occupy forever her position—cut off from all the rights of franchise, from the privileges of the ballot box; while in the case of the child it is only a question of time as to when he will have all these privileges—and exercise all the rights of citizenship. But that is not all. Your child is not allowed to vote because he belongs to a class whose intellect is not mature; then I ask you why does not woman vote? Is her intellect immature? Is she a lunatic? Is she idiotic? She is not allowed to vote for one simple reason—She is a woman. There may be cases where a lunatic has lucid intervals, that he is as much entitled to vote as you and I, but at no time has woman the right to exercise this privilege. But, sir, are you going to say that woman is amenable to any of these objections? I say is she imbecile, is she a lunatic, is she idiotic, is her intellect immature? No, but she is a woman; and not a man. Now, sir, I want you to consider this fact. I have been told, Mr. President, that it was not the intention at the time of the creation of this earth that woman should belong to the governing power. I want to know, Mr. President, how you found that out? We find that, after the creation the Lord himself came to superintend affairs in the garden of Eden. He told our first parents—both of them—what to do, and what not to do. After they had transgressed the law, he came again, and held them both amenable to that law which they had broken. He first sought the woman and asked her as to how the government had been carried on during His absence No, I think he came to the man first, (laughter)—excuse me. I am not very well acquainted with Bible history. (Laughter.) He first spoke to the man, and the man said, "the woman thou gavest me, she gave to me, and I did eat." Now was not that manly? If that had been done in Nebraska, we would say it was a very cowardly act. If he had stood up like a man, he would have said "please blame me; I will take the responsibility." But he did not, he laid the blame of the transgression upon the woman, and they both laid it upon the devil. (Laughter.) But, sir, she had no right to vote in those days, nor for a good many days afterwards, notwithstanding, we find women mingling in the early scenes of Bible history as well as men. We have the queen of Sheba, as well as Solomon himself. It was supposed they taught it, and so teach it today—that by reason of the disobedience of man in the garden of Eden, it was thought necessary that a great sacrifice should be made—a sacrifice so great that the Son of God was sent to the earth in order that His death might atone for the sin of man. Was that important mission entrusted to any extent to man? No, sir. Then to whom? To woman. No man's influence brought about this result. Women, too, are able to conduct war—"Talk about

their going to war"—Did I hear somebody say? Whoever was more successful in managing an army than the Maid of Orleans—Joan of Arc? When the army was thoroughly disorganized, her presence could bring order out of chaos, and when she led the army she led it to victory. I have no doubt, sir, that my friend here, Genl. Strickland, before he fought his battles, studied the character of the Maid of Orleans, and was guided by her experience. (Laughter.) And, sir, this country would not have been discovered—this spot would have been today, a howling wilderness, had it not been for a woman—Queen Isabella, of Spain. Sir, in every country upon the civilized globe, you will find that woman has been permitted to stand at the head of government, occupying positions of honor and trust, not only that, but discharging other duties in a manner satisfactory in every instance, and where is the instance to the contrary? It has been said here, in a very fervent speech made by one whose eloquent words are always listened to with attention—and I do not hesitate to say that I allude to our worthy Chief Justice—I say, he has drawn a very beautiful picture of a mother, with her children gathered about her knee, teaching them lessons of true manhood and womanhood. These illustrations are worthy our regard and consideration, coming, as they do, from a source so high. Now then I have one question to ask just here: From whence is the mother to get her power to educate, and bring out the elements of manhood and womanhood which her children possess—for I understand it to be her province, and her mission to educate and train the offspring she brings into the world: I say, where does she, herself, learn the lessons she is expected to teach her children? If you sought a school master for your boy, don't you inquire whether the teacher has been to school. Now where, sir, does the mother learn the lessons of truth that she is expected to impart, where does she learn the lessons of theology; possibly at the church, or studying the Bible herself. or it may be on her mother's knee. But I ask if she is to teach the lessons of manhood that shall be a guard to her sons in after life, where will she learn them? Why, sir, talk about the mother going to the polls and mingling with the crowd there. If I had my way, I would say to my wife and daughter, go to the place where those who exercise the right of citizenship are together, and mingle there with them, and learn the lessons and after learning them impart them to your boy. If that mother is to be the great teacher of her boy, send her out into the world where all the great lessons of life are to be learned. Now, sir, I would like to spend just one minute in calling your attention to the manner in which the voting is conducted. In our large cities today, and in the country too, there are men who live to old age and never go to the polls, while the foreigner seven months from the time he leaves his own country, he stands before you a power in the land. He has the power to exercise the right and im-

dividual whose friendship I once had the honor of enjoying, known all over the United States to be a man of great talent and influence in his party, his name is Jeremiah S. Black, who stands at the very head of his party in the state of Pennsylvania. What does this man Kerr say in his letter. "Equality to all citizens in political rights and privileges,. including suffrage." That is what he says in his letter of very recent date addressed to Black, and Black agrees with his correspondent upon that point. The democratic party are going to be true to their instincts, to their designations in Webster's dictionary, be true to the extension of the right of suffrage to all classes, and let the republican party look well to its honors, to its organization and platform. Do you suppose you can fight forever over a last year's wood-pecker's nest? Do you suppose you can make men eat cobwebs all the days of their lives? Now, sir, there are a great many other points but I will not trespass longer, except to repeat a word in regard to section two. Is it not singular? Now, in 1848 when the question was whether those free negroes that struggled away from bondage in the south, came up here and found a home among the free men of these western states, should have guaranteed to them the usual rights of citizenship, after a full deliberation upon the subject a convention, that met to frame the constitution of Wisconsin knowing that the ingredient was not a very palatable one, was involved in this same provision essentially, change but a few words, having the same ideas, and was introduced for that purpose, they had about three elections and did really admit the negro to the right of suffrage, though not practically to its full extent, until finally they were set free and admitted to complete rights of citizenship under and by virtue of the thirteenth, fourteenth and fifteenth amendments. If they could stand that in 1848, twenty-three years ago, cannot this body take this mild decoction, but will spurn and kick it out of their paths because it is expected to have a little mild ingredient called female suffrage. The negro sits on a high bench, goes to congress, is called upon by candidates for congress. You do not call. to have any political conversation with women do you? If they would stomach that thing knowing it contained the ingredients of negro suffrage in 1848, shall you make up mouths at it in 1871, for no other reason than because it contains a little mild dose of female suffrage? May be you will, you have done it and strutted over it as though you thought you had done a big thing, but justice shall be done this class whom you do tax and do not represent; pronouncing behests of the government of the United States according to the fourteenth and fifteenth amendments. Just a word in conclusion, reflect, you are past the middle of the nineteenth century, I see my old gray headed friend there, it is not long we are going to be here to bother about these things. but we can remember when there were no railroads, when we had nothing to plow the earth

except what they called the old wood plow, we can remember when there was no canal, scarcely any internal improvements. Men much younger than we can recollect, when there were no daguerreotypes, no sewing machines, when there were no telegraph lines, young men hardly middle aged can remember these things. Does not it remind you that you are in the midst of circumstances surrounded by scenes and circumstances of a character more extraordinary than ever visited the world before? Does not it remind you of the fact that everything is progressive? Does not it remind you of the fact that in the matter of religion, you, sir, remember when it was taught in the pulpit that hell was paved with infant's skulls? I believe we have arrived at the time when an eminent divine like Henry Ward Beecher says simply that it is a figure of speech, taking ground as reasonable men dare to reason, dare to throw off the rhinocerous skin of bigotry. While you are in the midst of these things, while everything is marching on with the celerity of a comet, shall we say you have assembled here in Nebraska, midway between two oceans, shall we arise without making up an instrument here not in anything agreeing to the spirit of the hour, to the progress of the times? Shall we leave the foot prints of progress anywhere upon the instrument you are about to present to your constituents? Every man in this convention has said he moves to amend because he says it is so-and-so in Illinois, (laughter) and that is a sufficient reason. Because it has been so it should be. (Laughter.)

Now, are we content to do this? Shall we depart from here and leave none of the marks of progress of the age and the hour in which we live? Won't you, at least, so perfect it that you can congratulate yourself, in the first place, that you will educate the little urchin, so that that glorious mother can take him and put him where the powers of his manhood shall undergo a process for development? And, then, will you so perfect your work as that there shall be any class of persons, taxpaying individuals, intelligent citizens, who shall not be deprived of the right to vote?

Mr. STRICKLAND. Mr. President. I would say nothing upon this subject, as I am not particularly interested in either side of the question, were it not for the fact that, in the early days of this convention. I introduced a resolution, which has since been published all over the country and from the manner in which it was published has misrepresented me. It has appeared twice in a paper published by the women in the east. I introduced a proposition which I thought reached this matter. The General (Estabrook) is earnest in all he contends for. He is earnest and sincere about it, and I know full well that what he speaks he speaks as solemnly as though they were his last words. I know there are many intelligent men who are constituents of his and mine, who earnestly want the adoption of this proposition. And while all this is true, I have my own views and ideas in regard to it. I introduced this proposition, which reads:

"Resolved, That the committee on "right of suffrage" be and they are hereby instructed to report an article to the constitution for the consideration of the convention, conferring upon females the right to vote at all general and special elections in this state; and also to provide for the submission of said article to a vote of the people of the state in the following manner: that said article, before it becomes operative, be submitted to a vote of the people of the state, at which election both males and females shall be entitled to vote under the same rules and regulations as are now prescribed by law for male electors, the male voters to vote for or against said article at the same time and place that the vote is taken on the adoption or rejection of the constitution; there shall also, at the same time and place, be provided separate ballot boxes for the reception of the votes of the females; and if it be found that a majority of both male and female electors are in favor of said article, then the same to remain a part of the constitution; but if a majority of either be against said article, then the same to be deemed rejected, and in that case to form no part of said instrument."

Now, I take this ground, Mr. President, upon the start, that where any considerable portion of the constituency demand to be heard at the polls they have a right to speak. Therefore I was willing to submit this proposition, although from the very beginning, and up to now, (and, I hope, that will be my judgment through life) I am radically opposed to the system, for many reasons which I will not stop to give in detail. My object in introducing this resolution was to put my views on record in regard to the peculiarities of the question, the manner of its submission, and what I thought was a middle ground to settle the question. In the first place, any considerable portion of the constituency have a right to be heard. My friend, Gen. Estabrook, and those who believe with him in the right of female suffrage have the right to be heard. How? Not only from the hustings, the pulpit, the lecture stand, but they have a right to speak, and a right to speak as lecturers, and so I say even the temperance men and those who favored abolition, any considerable portion of the people on the face of the earth, who have a distinctive idea, that enters into the element, to constitute and make up politics, have a right to be heard by vote.

Therefore, I was in favor of submitting this as a separate proposition. But, I ask my friend the General, while, it would be law if this proposition was approved by the people, who are today the foundation of our civil law in the state of Nebraska, I ask him if he wants the electors to force that proposition upon a class of people who deny that they want the benefits it is alleged it would confer upon them. He says he takes into consideration the great principle which underlies all true governments, and that he is willing to concede it to them because it belongs to them as a class. I deny that it does belong to them, and, I say, I am opposed to the system because it is impracticable. My proposition was to submit it to the male electors and then to the female, to see if they would ask to have this privilege granted, this franchise conferred.

Now, who are they that are asking for this privilege? Why, a very few. He compares the enfranchising of woman to the enfranchising of negroes. The negroes were enfranchised at the early time they were because there was a necessity. The people among whom they lived were opposed to them in ten thousand ideas of social and governmental relations. It was regarded by this nation as a necessity to confer upon negroes the right of suffrage; that it was a necessity to save the nation, to keep the lines of government in the direction it started to suppress the rebellion. It is useless to discuss the fact that you cannot compare the women to a negro or a man. The comparison will not stand test for a moment; for it is well known that man, all over the world stands out in bold relief, a single stalking, walking biped, dependent upon himself. Is that so with your wife, General? No, sir, you wife and my wife look to me for bread. (Laughter.)

Mr. MANDERSON. I call for the ayes and noes on behalf of Gen. Estabrook. (Laughter.)

Mr. STRICKLAND. The wife, mother and sister, rely on you for support.

Mr. ESTABROOK. Suppose the wife is a widow?

Mr. STRICKLAND. I will answer that she will look out for another man, and if she is pretty she will get him soon. Now, General, I want to have you answer me this question: what is it that woman wants upon the face of God's earth that she has not got? She has the dearest esteem and respect and love of man, and the protection and gallantry of man, too at all times and upon all occasions, and the strong arm of the law that singles her out in a thousand instances, and gives her higher privileges than man can attain. Let her step forth and speak. The General may say that, upon the principles that underlie the foundations of the government she ought to vote. Why, voting is drudgery, not a privilege. Is woman asked to plow, hoe corn, and dig out stumps; and wade through mud ten miles to vote? No, that is done by her husband, and what interest can she have that the husband has not? My wife was born in the south, and I in the north, and if she were allowed to vote, the very first poll she got to she would vote the democratic ticket. (Laughter.) Is not a man intelligently representing the interests of his little family, of his country, the interests which his intelligent mind suggests to him? Why, the wife would naturally, almost always, be of the same mind, of the same opinion, and that would have no effect upon the government, a man and his wife each voting the democratic ticket or the republican ticket. It is useless to deny the fact that women are ruled by the men who have stronger passions than all the females on earth. Would it not destroy the beauty and glory that today surrounds what we so much regard in lovely woman? Would it be wise to invite her to the polls, to mix in the dirty, filthy pool of politics? Would it not so degrade a good virtuous, upright woman so that we would lose our respect for her? We love our wives, mothers, daughters and

sisters, but are they fitted for the rough duties of life? No, God Almighty made them for higher, nobler purpose, and made them of finer fiber, while man was made to perform the rough duties of life, and he ought to do it. What man, other than a savage, asks his wife to do the drudgery of life? No, sir, it was intended that man should do the drudgery, and let the woman take the smooth paths in life, and to be respected and loved. The gentleman from Douglas (Mr. Estabrook) tells us that upon one hand you pile the burdens of life upon woman, and that you ought to give her the privileges, also. Now, what are the duties of woman? Do they attend to the rough details of life? Do they fight? The gentleman from Douglas (Mr. Estabrook) alludes to the Maid of Orleans, and to the women of olden times. They were noble women, of course, and they will stand out as bright examples, as long as the language we read today will stand. But now, let us look at the practical workings of this proposition. Judge Lake, my honored colleague, sits upon the bench; he is engaged in trying a very important suit; a jury is called and this suit is given to them after a trial of three or four days. I have seen the time when a jury was shut up for several days, in an important case when they were unable to agree upon a verdict. You take a woman away from her family and compell her to serve upon this jury. Now, what lady on earth would want to perform this duty? Why, I think if my wife was shut up with this jury, I would go and pry the windows open, and take her out. (Laughter.) Now, why impose this duty upon woman? They have had no chance to become acquainted with the duties required of them in this connection, and why ask it of them? Sir, I will venture the opinion that away out in Wyoming, where female suffrage is allowed, that the women are not so charmed with the new duties which are imposed upon them, and that in two years not a woman will vote. In talking with Mr. Nuckolls—a gentleman well known to you—and who is now a resident of Wyoming—told me that few women voted there now. The good, respectable women will stay at home and the bad women will go to the polls and mix with the rabble and bad men who there congregate, and make matters worse than they are now. I think, the reason my friend Estabrook has fallen in love with the democratic party is because, it was a democratic legislature which gave the right to vote to these women of Wyoming, there being not a single republican vote cast in favor of it. I don't bring up the state of affairs, to which I have alluded, as an argument against allowing women to vote, because a man who comes right from the penitentiary, is allowed to vote. He may be a counterfeiter, he may be the blackest kind of a thief, but he can vote. So, as I said, I will make no argument of the fact that bad women will exercise the right of suffrage. I am willing to concede to woman all that belongs to her, but would she, in the council of the nation, be a safe councillor? I think not. Woman being unacquainted entirely with the

terrible consequences of war, might vote in favor of war, should the question come up at any time; and then again, being of a timid nature, she might pass over a great insult given to the honor of the nation, through her desire to avoid bloodshed. She would allow her feelings to influence her to that extent that she would shrink from declaring war. I believe that the sphere which woman occupies today, is her proper sphere. She is loved and respected by all men of chivalry. She has the respect of every man upon earth, who is decent. Let her remain in her position.

Mr. MANDERSON. Mr. Chairman. I remember, sir, that when there was a prospect, a week or two ago, that the consideration of this subject would be suddenly launched upon this convention, I announced myself as one of the champions and said, that when the time should come and the lists were open, I would attempt to place lance in rest, and do what service I could. The consideration of the question in convention, the talk among the members outside and the action of the committee on suffrage, were all of such a character, that I had concluded it would be folly for any man to raise his voice in this convention in favor of this proposition, and expect to bring forth fruit. He would be a bold man, sir, and to some extent, a foolish one, who, placed upon a boat in the Missouri river with nothing in his hand but a small paddle should attempt to reach the other shore by stemming the tide. It would be but the act of wisdom to let his bark float with the stream, and using his strong arm reach the opposite shore by going with the tide. I think I would be foolish to attempt to stem the tide against woman suffrage.

Ten years ago had a member of a body, similar to this, rose in his place and advocated extending the right of suffrage to woman, he would have been laughed from the convention chamber—he would have been considered a lunatic. But, in these last ten years, we have so far progressed that here in this convention tonight, as I believe, sit, from fifteen to twenty gentlemen advocating with voice and, who will advocate with ballot, this great reform. And as we progress, if a few years hence a convention should be called, I believe that this minority will have swelled so that this reform is an accomplished fact.

Why, Mr. President, the agitation is not only here today, it extends throughout the length and breadth of this land, and, I may say, throughout the length and breadth of the whole civilized world. England in her might has taken hold of this question and many of her ablest men, and it has advanced so that in many parts of England the woman, if she owns property, votes upon the questions of municipal corporations. And we are told that in other nations this question is being agitated with good results. Let me read:

Reads, "In Hungary and some provinces of France, etc."

That will satisfy my brother Strickland, but I will refer to that again.

Mr. STRICKLAND. I should like to marry in that land.

Mr. MANDERSON. They might not want to marry in his. (Reads again.)

This was published in 1857 and was the address being delivered by that excellent woman, Mrs. Elizabeth Cady Stanton, and since that time this position has been advocated by John Stuart Mills of the British Parliament, and the question is being agitated there, meetings are being held in every city and town and some of the foremost men and women of that country are advocating the measure. They are knocking at the doors of parliament, and we are told that not many months will elapse ere this will be extended to woman. So it is no small matter. Much has been said by my friend Mr. Estabrook of what we are here doing. We are today making a constitution, or ganizing a government, I know many men will differ from me in what I say, that when you come together for the purpose of framing a new constitution, one of the natural results is, that all the parts are turned from their place, and that all the constituent parts that make up the government are thrown into confusion and matters here and there are taken up to be placed in their proper place. Things that make up a government resolve themselves into what may be termed their natural elements. Now, this might be a new thought to some of you, but it is not to those who have examined this question. Are we here to represent the adult males of Nebraska, or any element that goes to make up the people? We represent them all, and they all have a right to send representatives upon this floor to represent their interests in the making of this organic law. Let us look at the history of the making of constitutions. Let us take New York. There was a provision early in the history of that state in 1801, and existed in their constitution prior to 1801 that provided that the right of suffrage should be restricted to males who held a freehold of the value of twenty pounds, and those who rented a tenement at the rate of forty shillings a year and paying interest into the state. The legislature that met in 1801 recognized in part, and they should have recognized in whole, that all men with or without the freehold should vote for delegates to that convention. They not only laid aside the distinction of freeholder, but away back to 1801 struck out the distinction of black man and permitted him to go to the polls and choose his representative. They recognized the great truth that the government derives its right to govern from the consent of the governed.

In 1821 the legislature of New York passed an act calling another convention and I have here the law that extended this same right to many who were not permitted to vote at the general election and, more than this, they were eligible to seats in that convention that framed the fundamental law. The constitutional convention in Rhode Island in 1822 was made up of the same elements. But, Mr. President, did we recognize the duty of a fundamental law making body? Did we recognize

the right of all the people to be represented here? We should have today on this floor those who were sent here to represent the women of our state, but we are told they are represented, that the man represents the woman. I say he does not. What woman's vote or the vote of what body of women sent any man to this floor? If you claim to represent the women of your district you have assumed that position. It is a false representation so far as the women are concerned, one that is forced upon them. Now, let me call attention to this for a moment. I say the right of revision implies a power which should be equitable. The male voters of this state sent me here and to them I am responsible, if I do anything they do not like here they will call me to account. But the women cannot call me to account to them for anything they may not like, for I received no power from them. We have no more right to represent the women here than a man in Iowa has a right to go to the congress of the United States and presume to represent Nebraska there. It is a presumption to represent Nebraska there. It is a presumption of power. Suppose a gentleman should come here from Otoe county and say that he represents Douglas county, would we receive him? And how is it in regard to this matter of representing woman? Why, Mr. Chairman, we have an example of this fact in the formation of the Britih House of Commons. Let us look at matters there. The law making power of England or Great Britain was the Nobility of England, the Lords made the laws, they said what should be that should govern the people, they assumed to speak for the people. The people said to these gentlemen, we do not propose to delegate to you this power, we cannot call you to account for your action, and we do not propose therefore to permit this longer, so your British house of commons was called into existence and life because of the fact that the commoners refused longer to be ruled over by those to whom they had not delegated the right. I have right here an American authority from a man of some note. James Otis says, "No such phrase as virtual representation was known in law or constitution. It is altogether a subtlety and illusion, wholly unfounded and absurd. We must not be cheated by any such phantom, or any other fiction of law, or politics, or any monkish trick of deceit or hypocrisy." The subject of taxation without representation, Mr. Chairman, has been fully entered into by my colleague, and I will not say anything further upon that subject, he also has treated pretty fully the question of whether woman would be demoralized by it. Let me, as its growing very late. let me, for one instant, look at some positions taken by my brother Strickland, and attempt to show their fallacy. He says woman does not want the ballot, she does not need it for her protection, she is protected by man. Mrs. Strickland is protected by Gen. Strickland, Mrs. Estabrook by Gen. Estabrook. My friend suggests to him, very properly, suppose Mrs. Strickland or Mrs. Estabrook should be a widow; Oh, well,

them the most respectful consideration and deference, and protect them from insult in word or gesture, and from everything which might offend a modest and virtuous woman in any of the walks of life in which the good and true women of our country have been accustomed to move.

While I had never been an advocate for the law, I felt that thousands of good men and women had been, and that they had a right to see it fairly administered; and I was resolved that it should not be sneered down if I had to employ the whole power of the court to prevent it. I felt that even those who were opposed to the policy of admitting women to the right of suffrage and to hold office, would condemn me if i did not do this. It was also sufficient for me that my own judgment approved this course.

With such assurances, these women chose to serve, and were duly impanelled as jurors."

Mr. Chairman. I envy not the heart or the head of any individual, let him occupy what place he will, let him sit in a legislative body or wield the editorial pen, who is so base as to denounce the advocates of this measure as demagogues did, and, say further, that, if this right is extended to woman, the low, the miserable, class will use it and not the unnameable thousands of virtuous wives throughout this land who advocate this measure; the lie is thrown in his teeth by that noble woman Mrs. Livermore who did better service in time of war, as a soldier, battling for the right than did ever my gallant friend, and did far more than myself. She inaugurated and carried in her mighty hand and guided by her mighty brain that Western Ladies' Aid Society; helped by some means the Western Sanitary Association that did more than ten thousand armed men to suppress the late rebellion. It is given the lie, I say, by thousands of such women. The lie is hurled in the teeth of the vile slanderer, by this petition from the honest, virtuous ladies of the city of Lincoln. Now, what character of women took upon themselves this jury duty? Were they the low and miserable women of Cheyenne? Were they those who stood by the wayside and induced men to acts of wrong and shame? What says Judge Howe:

"With such assurances these women chose to serve, and were duly impanelled as jurors. They are educated, cultivated Eastern ladies, who are an honor to their sex. They have, with true womanly devotion, left their homes of comfort in the states, to share the fortunes of their husbands and brothers in the far West, and to aid them in founding a new state beyond the Missouri.

And now, as to the results. With all my prejudices against the policy. I am under conscientious obligations to say, that these women acquitted themselves with such dignity, decorum, propriety of conduct, and intelligence, as to win the admiration of every fair-minded citizen of Wyoming. They were careful, painstaking, intelligent and conscientious. They were firm and resolute for the right, as established by the law and testimony. Their verdicts were right, and after three or four criminal trials the lawyers engaged in defending persons accused of crime began to avail themselves of the right of preemptory challenge, to get rid of the women jurors, who were too much in favor of enforcing the laws and punishing crime to suit the interests of their clients!

After the grand jury had been in session two days, the dance house keepers, gamblers and demimonde, fled out of the city in dismay, to escape the indictment of women grand jurors'"

Oh' for a few women -(Page 9967 of MS missing) demeanor towards the ladies and the court Nothing occurred to offend the most refined lady (if she was a sensible lady), and the universal judgment of every intelligent and fair-minded man present was and is, that the experiment was a success

Mr. STRICKLAND. Suppose the law would not allow the jury to be separated?

Mr MANDERSON It would be very easy to change the law. If the accused can receive no harm by the separation, why are they not permitted to separate? If you can protect them by some such sensible course as this is it not better than to keep a jury all night, as you and I have known them, and men, agreeing to disagree, have sat up playing draw poker, ten cent ante, and other games till morning'

Mr LAKE They do it now in this state.

Mr MANDERSON Judge Lake says they do it now in this state We see and know, by personal knowledge, that women have an excellent influence. Why, we have had a "feast of reason and a flow of soul" tonight' We have had wrong action in this convention in the daytime But these galleries are the check upon that kind of indulgence; and that same check I say, Mr Chairman, should be exercised at the ballot box, in the legislative halls, and wherever men congregate together to do the detail business of government. "But," says my eloquent stout friend, Strickland, "the women, if you would let them vote (says they are weak) the first thing they would do would be to go to war!" (Laughter) Why, that is the most remarkable inconsistency I ever heard of! Why, what is there in the breast of women, so delicate, so refined, as would prompt them to say, "Let's go to war?" (Laughter) "Nobody would be killed but our fathers, husbands and sons," which Strickland speaks about. Why, how absurd! You'll take it back, sir, won't you? (Laughter)

Mr. STRICKLAND. No, I said that woman, knowing nothing of the horrors of war, might be willing to vote for a war.

Mr. MANDERSON Now, let us see. I do not know whether you were a married man, when your sword was buckled by your side — and you pretend to tell me that a woman, under your guardianship, knows nothing of the horrors of war! I was not married, but I had a mother and sisters. Will you tell me that when they picked up the papers that told of our fighting in the southwest; when they waited for days after the battle to see the list of slain, to see whether any who belonged to them were there, that they knew nothing of the horrors of war? and if they knew its horrors, what the knowledge of the women who saw maimed, crippled husbands, fathers and sons brought back from the bloody field of fight? Know nothing of the horrors of war! They know more than you or I. They were

Note I assumed the editorship at this page and changed the date at the head to August 11 On preceding pages it was, incorrectly, August 12 Albert Watkins

the ones who stood inactive; who could do nothing; who were powerless; had not the right to vote to help into power the party that would have rushed this war to a successful termination some time before its close. Why you know, my friend Strickland, the most terrible moment to you in war was when you stood in line doing nothing, receiving the shots of the enemy; when you could not up and at the enemy, and forget the results in the desire for glory and success. The instinct of woman is opposed to war.

Now, Mr. Chairman, it is too late for me to continue this argument. I feel I have said what I have in an unsatisfactory manner. I wish it had been earlier in the evening, that I might have touched upon subjects which I have not had time to do. But there are gentlemen upon this floor, of riper years, who are better able to take care of this subject than I; and I leave it to the gentlemen of this convention, feeling that we may have very feebly presented the claims of this great cause; but if we have planted one seed that will bring forth good fruit, God be thanked for that result. (Applause.)

Mr. McCANN. Mr. President, I move you that the further consideration of this subject be deferred until Monday evening at eight o'clock, and that it be made a special order for that hour.

The motion was agreed to.

Adjournment.

Mr. MASON. I move you this convention adjourn. I have but a single word to say. Mr. President, before this convention adjourns, I wish to say a single word, and I say that in behalf of the whole convention, and in its defense I have not, myself, seen one sneer, or heard a single disgraceful remark from those opposed to this proposition. I say this for the credit and dignity of this body and in order to deny the assertion that was made tonight. If such a thing has been done it was done when I was away.

Mr. CASSELL. Mr. President, I move we adjourn.

The motion was agreed to.

So the convention (at ten o'clock and forty-seven minutes) adjourned.

FORTY-SECOND DAY.

Saturday, Aug. 12, 1871.

The convention met at eight o'clock a. m. and was called to order by the president.

Prayer.

Prayer was offered by the chaplain as follows:

"Our Father, we would thank Thee for Thy patience with us through another week. Thank Thee for our daily bread. Thank Thee for our friends and homes. Thank Thee for the peace that is in our land. Thank thee for the strength of our arms and the honor of our flag, and we pray Thee that it may please Thee to continue these things to us for the sake of Christ. Amen."

Mr. WEAVER. I move a call of house.

Mr. ESTABROOK. Mr. President, I suggest that a very important committee is now in session in the supreme court room and will be through soon.

The PRESIDENT. We will wait until they get through with their labors.

Reading of the Journal.

The Journal of the preceding day was read and approved.

Leave of Absence.

Mr LAKE. Mr. President, I ask leave of absence until Tuesday noon as I have judicial business in Omaha.

Leave was granted.

Mr McCANN. Mr President, I ask an indefinite leave of absence.

Leave was granted.

Mr BOYD Mr President, I ask leave of absense until Monday noon

Leave was not granted

MR. KILBURN. Mr. President, I move to reconsider the vote by which the legislative article was ordered engrossed.

MR. KILBURN. I propose to offer some remarks on this question.

MR. STEWART. I rise to a point of order It is over two days since the article was passed, and it is not now in the possession of the house

THE PRESIDENT The gentleman from Saunders (Mr Kilburn) is in order.

Mr KILBURN Mr President, I will give you some reasons for this motion, which are amply satisfactory to myself, and which I hope will be equally so to every member of this convention

And in the first place I must say, that I cannot, will not believe that this convention realize what they have sought to do, in this section

I call special attention to that clause which forbids the division of any county into single districts which is entitled to two or more representatives, by any future action of the Legislature, during the entire life of our constitution. I ask, Is this right; is it just; is it in accordance with the genius of our free institutions?

For instance, we will suppose that Douglas county has twenty thousand inhabitants; is entitled to ten representatives, and has a small majority one way or the other. If they are elected together on one ticket, they may be all of one political faith, and all elected from one ward in the city of Omaha But if the country is divided into ten districts, a minority of the representatives, will correspond nearly with the minority of the people. And it will operate with equal justice in counties having less than ten, and more than one.

We will suppose a county is entitled to two representatives, and has four thousand inhabitants, and a slight majority one way or the other. If fairly divided into two districts, men of opposite views, reflecting the different political sentiments and local interests of each district, will be elected, and the people of each district will be as fully and directly represented as they can be.

In answer to this we receive the wise republican reply, that it is right for the majority to rule, or that the majority rule is right. That depends upon its application

In a representative government, even with the smallest single districts practicable the minority must submit and the majority must rule; and in this case, and in this sense, the majority rule is the best one we

can make. But when the party in power, for party purposes, attempts to prohibit, in the constitution of the state, the enactment of laws which shall give all the people as full and direct representation as possible, they violate the true majority rule, the democratic rule, the republican rule, and the golden rule; and adopt the aristocratic rule — the rule that might make right—and deserve to be hurled from their places, and sit in sackcloth and ashes, till they have learned to regard, and care for the rights of every human being whom God has created, and for whom Christ died.

But we are told that by electing ten men in one district and upon one ticket that they may all be selected from one ward in one city, if that is necessary to secure men of talent and political experience. To this I reply, that the people prefer to be represented by one of themselves from their own locality, rather than to be misrepresented by a Webster or a Benton; and that I am here to maintain the preferences, the interests and the rights of the people; the men whose hands are hardened by honest toil in making the state beautiful and rich, by converting the broad prairies into fruitful fields,—but who know their rights and how to maintain them.

I protest, in the name of justice and equal rights, against the principle of injustice embodied in this section; and also against the spirit and purpose which has carried it thus far in the convention. I denounce it as containing the essential elements, the very essence of tyranny.

It perpetuates injustice in the fundamental law of the state, by forbidding the legislature to enact laws and regulations for the most direct and full representation of the people.

It loads down our constitution with an intolerable and odious burden, and makes of it a deformed and crippled thing—conceived in sin and shapen in iniquity—going before the people and asking them to surrender their rights, under the hypocritical pretense of securing them.

Mr. President, again I say, I protest against this attempt to wrest from the people their just rights of representation.

I denounce this 20th section of the legislative report, as a most unfit, unsightly thing to place in the constitution of our state—as a loathsome thing floating on the foul pool of party politics, a stench in the nostrils of God and all honest men.

Mr. BALLARD. If it be true, as appears, and the section is adopted, I shall vote for the motion to reconsider. One reason is—to illustrate: we have, in our county, three small towns. Whatever two are closed down and put their heads together to carry, it makes no difference what, they carry the election, and the result is they often elect a representative or representatives from one corner of the county who do not represent what the people want. Here, sir, I wish some gentleman to assign some reason why the single representative district system is right. I have never heard good reason for it on this floor, therefore, I vote for the gentleman's motion to reconsider. I know that people demand it. Cities

will not demand it, large towns will not demand it, politicians will not demand it, but the common people demand it, the counties demand it

The PRESIDENT The question is upon the motion to reconsider the vote by which the legislative article was ordered engrossed Those favoring the reconsideration will say aye, those opposed, no

The Secretary proceeded to call the roll.

Mr LAKE when his name was called I wish to explain my vote I am informed that the amendment of the gentleman from Otoe (Mr McCann) is such in its terms that it prohibits the legislature, should they desire to do so, to try the experiment of single districts Now I for one am in favor of leaving the section in such shape that the legislature may, if they see fit, try the experiment of single districts. Personally I am opposed to it, but I am willing that the scheme be tried by the legislature.

Mr McCANN I would state that that was not the intention at all of that amendment. The amendment was to prevent the formation of representative districts taking a row of precincts from one county and attaching them to another.

Mr LAKE My recollection is, upon reflection, that the amendment offered by the gentleman from Otoe was that in the creation of any representative district, no county should be divided.

Mr McCann That was just it exactly.

Call of the House.

Mr. PHILPOTT I move a call of the house

The secretary called the roll.

The call of the house being ordered, the secretary proceeded to call the roll.

The President announced the result, present 38, absent 14, as follows.

PRESENT.

Abbott,	Manderson,
Ballard,	Moore,
Boyd,	Myers,
Cassell,	Parchen,
Curtis,	Philpott
Eaton,	Reynolds,
Estabrook,	Scofield,
Gibbs,	Shaff,
Gray,	Sprague,
Griggs,	Stevenson,
Hascall,	Stewart,
Kennaston,	Thummel,
Kilburn,	Thomas,
Kirkpatrick,	Towle
Lake,	Vifquain,
Lyon,	Wakeley,
McCann,	Weaver,
Majors,	Wilson,
Mason,	Mr. President—38

ABSENT.

Campbell,	Newsom,
Granger,	Parker,
Grenell,	Price,
Hinman	Robinson,
Ley,	Speice,
Maxwell,	Tisdel,
Neligh,	Woolworth 14.

Mr PHILPOTT Mr President, I move the sergeant at arms be dispatched for absentees.

The convention divided and the motion was agreed to.

Mr MASON Mr President, I move that all further proceedings under call of the house be dispensed with.

The convention divided and the motion was agreed to.

Mr. MASON. Mr. President, I move we go into committee of the whole upon the article reported by the gentleman from Douglas (Mr. Boyd) upon a reconsideration of the vote, as moved by Mr. Kilburn.

MR. LAKE. The motion is out of order.

THE PRESIDENT. The position of the question is this: The gentleman from Saunders (Mr. Kilburn) made the motion; if he gives consent it may be postponed for two hours.

Mr. KILBURN. I have only this to say about that. I don't want it postponed so that it cannot be taken up again.

The PRESIDENT. It can be called up at any time within two days.

The question then is upon going into the committee of the whole on the report of the committee on railroads.

Mr. WAKELEY. Mr. President, I hope that this may be postponed that I may make a few remarks. It is held that the motion of Mr. McCann will prevent having any single districts, and, as a friend of that who voted against it, I think it may be left to the justice of the legislature; and I believe if this matter is postponed some plan can be arrived at that will be satisfactory to all. Mr. McCann disclaims any intention by his motion to preclude the single district system.

Mr. McCANN. My object in offering that amendment was to prevent the legislature or any other power from taking a part of my county or any other county and adding it to another county to form a representative district. If a majority of this convention think that the legislature cannot divide into single districts without taking a part, I for one am willing to leave it to the legislature to submit it to the people.

Mr. LAKE. I will ask the gentleman how he reconciles the statement that he did not intend to tie up the hands of the legislature, with his amendment. I read from the journal: "Mr. McCann moved that no county shall be divided in the formation of a representative district." I take it that that means that the entire county must form a representative district; but now I understand him that he is not willing to leave it to the legislature without leaving it to the people. I propose to vote for the reconsideration in order that a section may be framed so as to leave it in the hands of the legislature to provide for single districts if they see fit.

Mr. McCANN. Mr. President, I have the journal here, the words are: "no county shall be divided in the formation of a representative district." Now the gentleman is correct in stating I said that. At that time I did not wish precincts taken from my county and attached to any other as a representative district. I did say then, and say now, that I am not in favor of single representative districts. The gentlemen have asked that it be left to the legislature, and the gentleman from Saunders has protested, in the strongest measure and in language not courteous to the majority of this convention, that it

is a stench in the nostrils of God and all honest men. Now I am opposed to leave it with the legislature to adopt that plan, the people have a right to be heard in the matter.

Mr BOYD. Mr. President, I have an amendment which I think will satisfy the gentleman. "But no county shall be divided for the purpose of attaching a part of its territory to another county in forming a representative district."

Mr MAJORS. Mr. President, I just wish to make a remark or two in connection with the history of this case. I am satisfied that if we leave the question with the legislature, hereafter, to let the people through their representatives say what they want in regard to districting, it will be all right.

The PRESIDENT. The motion is to reconsider the vote by which this article was referred to the committee on enrollment and engrossment

The motion was agreed to.

Mr REYNOLDS. Mr President, Your committee on enrollment and engrossment to whom was referred the articles on banks and currency, state, county and municipal indebtedness, miscellaneous corporations and legislative, report they have examined the same and find them correctly engrossed.

The PRESIDENT. The legislative article is before the convention

Mr MASON. Mr President, I move to reconsider the vote by which section 20 of the article was adopted

Mr HASCALL Mr President, I move an amendment to the amendment of the gentleman from Douglas (Mr. Boyd) "That no county shall be divided and a part thereof attached to another county in the formation of another representative district."

Mr. HASCALL. That section was formed from a section that I introduced, and the section I introduced went upon the journal. I read it after it was in the journal, and it was amended by attaching an amendment made by the gentleman from Otoe. I took a portion of that section relating to representative districts directly from an old constitution and that read. "To be composed of convenient, contiguous territory, as compact as may be, to be defined by law." Now, by engrossment and subsequent journal entries, they have left that out, and the first thing we should do would be to make it read as the original journal read.

The PRESIDENT. The question is upon the reconsideration of the vote by which the section was adopted.

Mr PHILPOTT I do not clearly understand this. Gentlemen send up their amendments in writing and we do not have copies of them Now why not move an amendment of this kind "Provided, That the legislature may divide counties into single representative districts;" then we know exactly what we want, and what we are voting for. I offer it as an amendment to the amendment.

Mr. BOYD. I will accept it.

The convention divided and the motion to reconsider was agreed to.

The PRESIDENT. The question now is upon the amendment to the amendment offered by the gentleman from Lancaster (Mr. Philpott).

MR. HASCALL. The legislature have the authority without putting it in. And the amendment of my colleague (Mr. Boyd) reaches that point.

Mr. PHILPOTT. Mr. President, I understand from gentlemen here that there is a misunderstanding of the section which has been adopted. They say they did not mean to prevent the legislature having authority, and the others understood that it was that the legislature might be prevented. The language I have offered is such as would leave the question before the convention in a way that is plain. I shall vote no, although I have offered the amendment.

Mr. BOYD. Mr. President, then I will not accept it.

Mr. PHILPOTT. Then I will offer it as an amendment to the amendment.

Mr. LAKE. I take it that the gentleman from Lancaster is mistaken in the one proposition. He says there is a division of opinion as to the meaning of the proviso offered by the gentleman from Otoe. I take it that there is no contrariety of opinion in respect to that provision. Now the probability is that others, as well as myself, did not pay particular attention to the provision at the time it was adopted. I took it that the gentleman from Otoe had embodied his ideas as expressed in the proviso. I took it that it was left with the legislature, except that by his amendment there was a restriction against their taking territory from one county and attaching it to another county. The gentleman from Otoe admits that the language in his proviso goes further than he expressed orally upon the floor. It prevents the legislature from doing that which, perhaps, the majority on this floor was willing they should do, if a majority were in favor of it. "Forming single representative districts." The language is clear. But that it expresses more than the gentleman intended, or, at least, more than he declared he intended, is certain. Now, as to the amendment offered by the gentleman from Lancaster. I am opposed to any such provision going into the constitution. Where the legislature have this authority to act in respect to a matter without any action on the part of this convention, I am in favor of silence: saying nothing about it. I suppose it is well understood, and generally conceded that, in respect to the formation of senatorial or representative districts, the power of the legislature is complete unless restricted: that it is ample to form such districts as it may seem fit, and to change them when they see fit; and the only need for the provision in the constitution on this subject is that in those respects, where it is thought best, the legislature shall be restricted. If not restricted, then their power is without any limit whatever. There is no limit except such as is found in the constitution. Now, I trust such a useless provision as this will not find its way into the constitution. Strike your proviso. If you wish to limit them say so; if not then say nothing about it.

Mr PHILPOTT. I am in favor of limiting the legislature in the formation of representative districts, but only as to counties. I would not allow the legislature to divide up a county I believe the interests of every county with respect to representation is a unit. I believe all the representatives coming within the territory embraced in the county could come together and consider interests local I hope that a restriction may be placed upon the legislature.

Mr ROBINSON It strikes me that there is a little begging of the question, and a begging of the argument of my colleague from Lancaster For my part, I am now agreeing with the gentleman from Douglas. I am inclined to think that it is unwise to put into the fundamental law of the state any restrictions which it might be the best policy of the state to pursue. It is my opinion that it is wrong to divide a county into single representatives districts, but I am inclined to think that the legislature will, at all times, be very fair judges of that policy. If it is wrong to divide they will not do it. Now, if a county is a unit, if its interests are one, if all parts of the county are equally interested in pursuing a certain policy, what, then, would be the harm of dividing into single representative districts? If Omaha, for instance, has a policy she desires to pursue which the other part of the county does not wish, why not cut the county in two, and let each opinion be represented? Why not let Omaha send all the representatives and then carry their point? I have another thing to say in regard to this legislation in the constitution on the subject.

I think it is wrong for any legislature, or any party in power, to district the state so as to give that party increased power. I think our representative system is a great humbug, and that the people are not represented in their views.

Mr. HASCALL Mr President, I did not vote to reconsider this vote for the purpose of having it discussed all forenoon. We have already discussed this question fully and are all prepared to vote "Question! Question!"

The PRESIDENT. The question is upon the amendment offered by the gentleman from Douglas (Mr. Boyd) which reads, "but no county shall be divided for the purpose of attaching a part of its territory to another county, or part of a county, in forming a representative district."

The yeas and nays being demanded, the secretary proceeded to call the roll.

The President announced the result, yeas 33, nays 6, as follows

YEAS.

Abbott,	Myers,
Ballard,	Parchen,
Boyd,	Reynolds,
Eaton,	Robinson,
Estabrook,	Stevenson,
Gibbs,	Stewart,
Gray,	Sprague,
Griggs,	Scofield,
Hascall,	Shaff,
Kilburn,	Thomas,
Kirkpatrick,	Thummel,
Lake,	Tisdel,
Lyon,	Towle
Majors,	Vifquain,
Mason,	Wakeley,
Manderson,	Wilson.—33.
Moore,	

NAYS.

Cassell, McCann,
Granger, Philpott,
Kenaston, Weaver,—6.

ABSENT OR NOT VOTING.

Curtis, Newsom,
Campbell, Parker,
Grenell, Price,
Hinman, Speice,
Ley, Woolworth,
Maxwell, Mr. President.—13
Neligh,

So the amendment was agreed to.

The PRESIDENT. The question is upon the adoption of the section as amended.

The section was adopted.

Mr. GRAY. Mr. President, I move that the article be referred to the committee on enrollment and engrossment.

The motion was agreed to.

The PRESIDENT. The question is on engrossing this bill for a third reading . The motion was agreed to and the article was ordered engrossed.

The PRESIDENT. I will state that there are two other bills here that may be taken up now and read the third time.

Will the gentleman from Douglas (Mr. Myers) take the chair.

Miscellaneous Corporations.

The secretary read the article on Miscellaneous Corporations as follows:

ARTICLE—

Section 1. No corporation shall be created by special laws, or its charter extended, changed, or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state, but the legislature shall provide, by general laws, for the organization of all corporations hereafter to be created. All general laws passed pursuant to this section may be altered from time to time or repealed.

Sec. 2. All corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

Sec. 3. Stockholders of all corporations and joint stock associations shall be individually liable for all debts of such corporation or association after the exhaustion of the corporate property to the full amount of the par value of their stock.

Sec. 4. The legislature shall provide by law that in all elections for directors or managers of incorporated companies every stockholder shall have the right to vote in person or proxy for the number of shares of stock owned by him for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit, and such directors or managers shall not be elected in any other manner.

Sec. 5. All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within 10 days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

The PRESIDENT pro tempore. Gentlemen this article having been read three times the question will be on its final passage. The secretary will call the roll.

The vote was taken and the result announced, ayes 34, nays none, as follows:

AYES.

Abbott,	Manderson,
Ballard,	Moore,
Boyd,	Myers,
Cassell,	Parchen,
Curtis,	Reynolds,
Eaton,	Robinson,
Estabrook,	Shaff,
Gibbs,	Sprague,
Gray,	Stevenson,
Griggs,	Stewart,
Hascall,	Thomas,
Kenaston	Tisdel
Kirkpatrick,	Towle,
Lake,	Vifquain,
Lyon,	Wakeley,
Majors,	Weaver,
Mason,	Wilson -34

Nays, none.

ABSENT, OR NOT VOTING.

Campbell,	Newsom,
Granger,	Parker,
Grenell,	Philpott,
Hinman,	Price,
Kilburn,	Scofield,
Ley,	Speice,
McCann,	Thummel,
Maxwell,	Woolworth,
Neligh	Mr. President.—18

So the article was passed and the title agreed to.

Mr TOWLE. Mr President, I would ask permission of the house to make a report from the committee on legislative apportionment (Leave.) I ask that the report be received, the usual number ordered printed, and referred to the committee of the whole.

So ordered and referred

The following is the report.

ARTICLE

Until otherwise provided by law senatorial and representative districts shall be formed and senators and representatives apportioned thereto, as follows

SENATORIAL DISTRICTS

District No One Shall consist of the county of Richardson, and be entitled to one senator.

District No. Two—Shall consist of the county of Nemaha, and be entitled to one senator.

District No. Three—Shall consist of the county of Otoe, and be entitled to two senators.

District No Four—Shall consist of the county of Cass, and be entitled to one senator.

District No. Five—Shall consist of the counties of Saunders and Sarpy, and be entitled to one senator.

District No. Six—Shall consist of the county of Douglas, and be entitled to three senators.

District No Seven Shall consist of the county of Washington, and be entitled to one senator.

District No. Eight—Shall consist of the county of Dodge, and be entitled to one senator.

District No. Nine—Shall consist of the counties of Cuming, Burt and Stanton, and be entitled to one senator.

District No Ten Shall consist of the counties of Dakota, Dixon, Cedar, L'Eau Qui Court, Antelope, Madison, Pierce and Wayne, and shall be entitled to one senator.

District No. Eleven Shall consist of the counties of Platte, Colfax, Boone, Merrick, Hamilton, Polk, York and Butler, and be entitled to one senator

District No. Twelve—Shall consist of the counties of Saline, Seward and Jefferson, and be entitled to one senator

District No Thirteen—Shall consist of the counties of Johnson and Gage, and be entitled to one senator.

District No Fourteen Shall consist of the county of Lancaster, and be entitled to one senator

District No Fifteen—Shall consist of the county of Pawnee, and be entitled to one senator

District No Sixteen Shall consist of the county of Hall and all other counties and territory not included in any other senatorial district, and be entitled to one senator.

REPRESENTATIVE DISTRICTS.

District No. One—Shall consist of the county of Richardson, and be entitled to five members.

District No. Two—Shall consist of the county of Nemaha, and be entitled to three members.

District No. Three—Shall consist of the county of Otoe, and be entitled to six members.

District No. Four—Shall consist of the county of Cass, and be entitled to four members.

District No. Five—Shall consist of the county of Sarpy, and be entitled to one member.

District No. Six—Shall consist of the county of Douglas, and be entitled to nine members.

District No. Seven—Shall consist of the county of Washington, and be entitled to two members.

District No. Eight Shall consist of the county of Burt, and be entitled to one member.

District No. Nine—Shall consist of the county of Dakota, and be entitled to one member.

District No. Ten—Shall consist of the counties of Cedar, L'Eau Qui Court, Antelope, Pierce and Wayne, and be entitled to one member

District No. Eleven—Shall consist of the counties of Madison and Stanton, and be entitled to one member.

District No. Twelve Shall consist of the county of Cuming, and be entitled to one member.

District No. Thirteen—Shall consist of the county of Dodge, and be entitled to two members.

District No. Fourteen—Shall consist of the county of Colfax, and be entitled to one member

District No. Fifteen—Shall consist of the county of Platte, and be entitled to one member

District No Sixteen Shall consist of the counties of Butler and Polk, and be entitled to one member.

District No. Seventeen Shall consist of the counties of Merrick, Howard, Sherman, Valley, Greeley and Boone, and be entitled to one member.

District No Eighteen—Shall consist of the county of Hall, and be entitled to one member

District No. Nineteen—Shall consist of the county of Pawnee, and be entitled to two members.

District No. Twenty—Shall consist of the county of Gage, and be entitled to one member.

District No. Twenty-one—Shall consist of the county of Johnson, and be entitled to one member.

District No. Twenty-two—Shall consist of the county of Lancaster, and be entitled to two members.

District No. Twenty-three—Shall consist of the county of Saunders, and be entitled to one member

District No. Twenty-four.—Shall consist of the county of Seward, and be entitled to one member

District No. Twenty-five—Shall consist of the county of Saline, and be entitled to one member.

District No. Twenty-six—Shall consist of the counties of Jefferson and Thayer, and be entitled to one member

District No. Twenty-seven—Shall consist of the county of Lincoln, and be entitled to one member.

District No Twenty-eight—Shall consist of the counties of York, Hamilton, Clay, Fillmore and Nuckolls, and be entitled to one member.

District No. Twenty-nine—Shall consist of the county of Dixon, and be entitled to one member

District No. Thirty—Shall consist of the county of Kearney, and all other counties and territory not included in any other representative district, and be entitled to one member.

The PRESIDENT pro tempore The question is on referring the article on miscellaneous corporations just adopted to the committee on revision.

The motion was agreed to and the article so referred.

The secretary read the article on state, county and municipal indebtedness as follows:

ARTICLE—

Section 1. No city, county, town, precinct or other municipality or other subdivision of the state shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation thereto, or aid in the construction of any railroad or work of internal improvement, owned or controlled in whole or in part by any individual or private corporation or association, or create or contract any indebtedness for any purpose herein specified, unless a proposition so to do shall have been submitted at an election held by authority of law and three-fifths of the qualified electors voting on said proposition shall be in favor of the same

Such indebtedness, inclusive of any and all similar indebtedness whensoever created, shall not at any time exceed ten per cent of the valuation for taxable purposes of such city, county, town, precinct or other municipality or subdivision of the state contracting such indebtedness.

Nor shall any aid be given to any railroad company, or for the construction of any railroad, or any indebtedness be created or contracted for such purposes, unless the line of the railroad shall have been definitely located, and shall be specified in the proposition voted upon, nor shall such indebtedness exceed five thousand dollars per mile to any proposed railroad, nor in any event be payable until such railroad, or a part thereof is completed ready for the rolling stock, and only in proportion to part so completed

The PRESIDENT pro tempore The question will be on the final passage of the article Secretary, call the roll

The vote was taken and the result announced, ayes 34 nays 1, as follows

AYES.

Abbott,	Mason,
Ballard,	Manderson,
Boyd,	Moore,
Cassell,	Myers.
Curtis,	Philpott,
Eaton,	Reynolds,
Estabrook,	Robinson,
Gibbs,	Scofield,
Granger,	Shaff,
Griggs,	Sprague,
Hascall,	Stevenson,
Kenaston,	Stewart,
Kilburn,	Thomas,
Kirkpatrick,	Towle,
Lake,	Vifquain,
Lyon,	Wakeley,
Majors,	Wilson, 34.

NAYS

Gray —1

ABSENT, OR NOT VOTING

Campbell,	Parker,
Grenell,	Price,
Hinman,	Speice,
Ley,	Thummel,
McCann,	Tisdel,
Maxwell,	Weaver,
Neligh,	Woolworth,
Newsom,	Mr President —17
Parchen,	

So the article was passed and the title agreed to.

The PRESIDENT pro tempore. The question is on reference to the committee on revision. The motion [was] agreed to and the article was so referred.

The article was referred to committee on revision and adjustment

The PRESIDENT The separate proposition in regard to municipal subscriptions is before the convention. The secretary will read it.

The secretary read the proposition as follows

Section 1 No county city town, township, or other municipality shall ever become subscriber to the capital stock of any railroad or private corporation or make donations to, or loan its credit in aid of such corpor-

ation: Provided, however, that the adoption of this article shall not be construed as affecting the right of any such municipality to make such donations where the same have been authorized under existing laws by a vote of the people of such municipality prior to such adoption.

Mr. STEWART. I vote in the negative. I vote for what I tnink is right. I will vote against the minority report all the way. I never favored it. I am opposed to both reports.

Mr. WAKELEY. I have a few words to say upon this proposition. I cannot speak for other gentlemen upon this floor, but I wish to speak for myself. I am decidedly in favor of the proposition submitted by the majority of the committee, but in the committee of the whole they recommended to the convention that the minority proposition of the total prohibition should be submitted to the people, and recommended that the convention should refer it to the committee on schedule with instructions to provide for its separate submission. In the committee of the whole and in convention I voted for that proposition upon the principle that the people of this state had the right to determine the question; and, sir, I shall vote for that to the end. If the people of this state will vote against a proposition I think best, I have done my duty in submitting the proposition and must bow to the will of the people. I supposed, Mr. President, that that was the understanding. I will not speak for any one but myself. I shall carry out the pledge which we have already given, that this matter shall be submitted to the people. I believe that to be just and right; and supposed that was the matter settled by the act of the convention, and that when that report was adopted, it was for the purpose of requiring this to be separately submitted.

Mr. WEAVER. I am of the opinion of the gentleman from Douglas (Mr. Wakeley).

Mr. WILSON. I call for the previous question.

Mr. MASON. I hope this previous question will not be called at this instant of time.

Mr. TOWLE. It appears to me that this matter of a separate article is already provided for and disposed of. It is now the duty of the committee on schedule to engross this proposition into its report; and I believe it to be in their particular province to do that.

Mr. ROBINSON. If I understand the state of this article it is: the minority report has not yet been adopted; but the separate article has not yet passed through the house, and we have the right to vote it down if we please. It must first pass this body before it becomes an article. Now, I have to be against submitting it, that there is injustice in submitting it to the people at all. The people inhabiting the river counties are going to poll a big majority in favor of this majority report, will vote against giving any aid whatever for railroads. I believe that the majority report, perhaps, would carry in this county by a very close majority vote. I do not believe in majorities quite so far as this. There are many counties in the west who have now a small population, but will have a greater. They have a

right to vote that aid if they desire, by a three-fifths majority. Now in those counties where they have no railroads, and where they need one, it would be wrong to hold them to the rule adopted in the river counties.

I don't believe that Douglas, Sarpy, Cass and Otoe counties will [would] vote today in favor of giving aid to railroads. If this law applied to particular counties, I would be in favor of it, but, sir, we are making a rule for the whole state Now, sir, let us compromise. I claim that there has been no compromise made. I think that every man whose county needs a railroad had better vote right here against this, because I undertake to say that if these two reports are submitted—one in the constitution and the other as a separate article—the minority report will be adopted by the state, generally. If we are to adopt a rule which is to affect particular communities unjustly, I am opposed to it I do not think that the people of Douglas and Otoe counties, having all the railroads they want, should say to the people of the western counties, "We don't want any more railroads, and therefore you shall have none."

Mr. TOWLE Mr President, I ask leave to speak ("Leave! Leave!") In anticipation of the discussion of this question, it was expected we would spend days upon it; but there was an express agreement made—not by trading off, not by any wire-working that was done, but by speeches made, and by the action of this convention while in committee of the whole. It was understood that both of these propositions should go to the people; one to be incorporated in the constitution and the other to go separately. Now I am disposed to stand by this agreement, and if the people of the whole state are willing to vote in favor of one and against the other, I am disposed to abide by the decision.

Mr. KIRKPATRICK. Mr. President, I rise to say that I am in favor of meeting this whole question fairly. The committee of this convention which made these two reports did so with the very best motives Now, sir, I made no bargain upon this question at all, although I have said that I am willing to have the minority report submitted as a separate proposition if the convention desires it. I helped the friends of the minority representation, yesterday, to get it submitted as a separate article.

Gentlemen have gone out of this immediate question to discuss the whole subject under consideration. It is charged here that the more populous counties have all the railroads they want Now I say this is not true There is more demand today for railroads in my county than ever before. Today four votes would be cast for railroads where one was a few years ago Now, sir, if these western counties need railroads they need them no more than the eastern counties. We want to push our railroads which are already constructed into the interior. What benefit is it to a county to have a railroad running through that county alone? None at all, sir. Gentlemen will bear me out in this. Now, sir, during all the ses-

sion of this convention not one protest against bonds has come from the eastern counties of the state. Where did they come from? From the western counties exclusively. Now, sir, I say if they have an interest in this subject we have a greater interest—greater as our population is greater. Gentlemen have taken the position that they were willing to submit this proposition to the people to be voted upon separately. I am willing to stand by that position. Now, sir, I believe there is a large vote in my county against this prohibitory provision. Sir, I was willing to insert the other provision in the constitution. I shall vote for the constitution with that provision in it.

Mr. MANDERSON. Mr. President, I don't propose to stulify myself on this vote if I can help myself. I made no agreement either openly or any other way that I would vote either for or against this proposition. I was in favor of the majority report. The question of removal of the capital as a clause in the constitution had a very large vote in favor of its being inserted and also in favor of its being submitted separately. It was carried in favor of being inserted in the constitution by a very small majority. I voted against submitting that as a separate proposition because I did not believe it to be a question involving any principle but a mere question of expediency and local interest. But the question of minority representation and the question of female suffrage I propose to submit separately as I believe a great principle is involved in both. But this is a question that it seems to me is of local application. I do not recognize it as involving any principle, and for that reason I shall vote against it.

Mr. SPRAGUE. I voted for this in the committee of the whole because it was a matter of principle. The majority report was adopted with the express understanding that the minority report should be submitted separately, and I hope the convention will not go back on that understanding. I do know that a majority of this convention are pledged by their votes twice expressed; and now, sir, if they propose to go back on that, hereafter I do not propose to take any understanding, but to fight it through on that line.

Mr. McCANN. My motion was made for the purpose of bringing the matter before the convention; no person authorized me to make any statement for him.

Mr. STEVENSON. Mr. President, I think if a majority of the people of the state are against voting bonds to any corporation, that that majority should be respected, and I hold if there is a large minority in this convention that are in favor of submitting this to the people that we ought to submit it. Now, Mr. President, voting bonds to railroads is a very nice thing, and it would be all right if there would not be so many advantages taken of the people in voting these bonds. I hold that we should look well to this proposition to submit it to the people, and if a majority of them say that a county may vote bonds then let them do it; for a majority ought to rule.

These railroad corporations do not expect to make much in the present they look to the future, and when they see that by running into a rich value it will pay in the future, they will build that road without us giving them bonds It is because we have established that precedent If there had never been a bond voted to a railroad company I believe we would have just as many railroads today as we have now. I am in favor of stopping that precedent and forever prohibiting any county from foolishly running into debt, thereby causing the inhabitants of that county to be ground under the burdens of taxation for thirty or forty years to come

Mr HASCALL Mr President, I am satisfied that the members of this convention understood from what passed in the convention that there was no opposition to its being submitted as a separate proposition, at least I had no private or special understanding with any one how I would vote on this question I shall act upon that question as I have acted on all others, that where there is a difference of opinion, a respectable minority should be heard; and if the people do not want a certain section it is not right to force it upon them I shall certainly vote against this proposition when it comes before the people, but hope it will be submitted as a separate proposition

Mr GRAY Mr President I move the previous question

The PRESIDENT pro tempore Shall the main question be now put?

The ayes and nays were demanded

The secretary called the roll and the president announced the result, yeas 18, nays 21, as follows

YEAS

Curtis,	Philpott,
Cassell,	Reynolds,
Granger,	Robinson,
Gray,	Stevenson,
Griggs,	Stewart,
Kenaston,	Scofield,
Lake,	Thummel,
Manderson,	Tisdel,
Parchen,	Towle.—18.

NAYS.

Abbott,	Mason,
Ballard,	Moore,
Boyd,	Myers,
Eaton,	McCann,
Estabrook,	Sprague,
Gibbs,	Shaff,
Hascall,	Thomas,
Kilburn,	Vifquain,
Kirkpatrick,	Wakeley,
Lyon,	Wilson.—21.
Majors,	

ABSENT OR NOT VOTING.

Campbell,	Parker,
Grenell,	Price,
Hinman,	Speice,
Ley,	Weaver,
Maxwell,	Woolworth,
Neligh,	Mr President —13
Newsom,	

So the previous question was not demanded

Mr MASON Mr President, the only thing I would say in respect to this matter is to refer

Mr Chairman, if the reports are written up, I would like if the reporter would read the remarks made by the gentleman from Otoe and the gentleman from Douglas in respect to the submission of the proposition and the form of submission of the proposition now proposed to be passed and also the remarks of several of the gentlemen who have proposed now to defeat the proposition under consideration, if they can

Lyon, Towle,
Majors, Vifquain,
Mason, Wakeley,
Moore, Weaver.—29.
Thomas,

NAYS.

Abbott, Manderson,
Boyd, Robinson,
Curtis, Thummel,
Eaton, Tisdel,
Griggs, Wilson.—11.
Lake,

ABSENT AND NOT VOTING.

Cambpell, Parker,
Ley, Woolworth,
Newsom, Hinman,
Stewart, Neligh,
Grenell, Price,
Maxwell, Mr. President.—12

So the motion was agreed to.

The PRESIDENT. The question will be on its reference to the committee on revision and adjustment.

Reference agreed to.

Adjournment.

Mr. SCOFIELD. Mr. President, I move we adjourn until Monday at 2 o'clock.

Leave of Absence.

Mr. KENASTON. Mr. President, I ask leave of absence until Monday at 2 o'clock.

Leave not granted.

Adjournment Again.

Mr. STEVENSON. Mr. President, I hope the motion to adjourn until Monday will not prevail. Those who live nearby have had an opportunity to go home every week so far while we who live at a distance have been compelled to remain here and do nothing during these adjournments. Mr. President, as we are so near the close of the business of this convention I think it is the duty of those who live nearby to stay because we can finish this business up in a few days. All I ask, and do it on the part of those who live so far away, is that you remain this time and let us proceed with our business, so that we may all go home. If this convention adjourns until Monday noon it will take us until Friday or Saturday to finish up our work. I do hope these married men who are always so anxious to get home will remain this time.

Mr. McCANN. Mr. President I will vote with my friend from Cuming (Mr. Stevenson) to keep these married men here.

The PRESIDENT. I think that if you propose to work this afternoon and tonight, our work might be done today. Then the whole work of the convention would be in the hands of the committee on revision and adjustment. One of two things ought to be done—either keep a quorum or let us adjourn until Monday.

Leave of Absence.

Mr. KIRKPATRICK. Mr. President, I would be glad if the convention would grant my colleague, Mr. Kenaston, leave of absence until Monday. He is a preacher and made an appointment to preach tomorrow, taking it for granted that the convention would adjourn over Sunday.

Leave granted.

Mr. MANDERSON. Mr. President, I desire to ask leave of absence for my colleague, General Estabrook. There is a "little church around the corner" where he officiates every Sunday. (Laughter.)

The President did not entertain the request.

Mr. MASON. Mr. President, I have no little church and no large church which calls me away, but I have a letter in my pocket which re-

quires my immediate presence at home I received it yesterday morning but staid over from a sense of duty; but I must be at home tomorrow Therefore I ask leave of absence until Monday at two o'clock.

Leave granted.

Mr MASON. Before leaving I have been instructed to present a report which I now ask leave to present. Leave! Leave!"

The report reads as follows

ARTICLE

All property, real, personal, and mixed, and all credits subject to the jurisdiction of this state shall be listed and taxed, and the legislature shall provide by law for carrying into effect this provision.

Adjournment Again.

Mr WAKELEY Mr President as I understand t the business of considering articles is almost concluded there being but a few yet to consider, although one or two of these are very important, and as Judge Mason and Judge Lake have leave of absence I think it would be better that we should not take a vote upon these important questions until they get back, we should have as full an attendance as possible The committee on revision and adjustment can get to work to some extent While I don't wish to be stubborn about this matter I believe there are so many who have leave of absence, and so many who wish to go home that we had better adjourn until Monday. I believe there will be nothing lost by it.

Mr BOYD Mr President, the convention has seen fit to excuse Judge Mason, and as he is one of the committee on railroad corporations I would like to have him here when that report is considered. I would like leave of absence until Monday at two o'clock.

Mr STEWART Mr. President, it seems to me these gentlemen who live in Omaha and Nebraska City have no [more] business to go home than I have. I think the appeal made by the gentleman from Otoe (Mr. Mason) was made for the purpose of bringing about an adjournment I believe [that] made by the gentleman from Douglas (Mr. Wakeley) was made for the same purpose. I think none of these gentlemen who talk so much have had any very great influence upon the members of this body I don't believe that these gentlemen are of very much benefit to this convention. I believe we can vote just as intelligently without their talk I, for one pay but little attention to what they say Let us get through with the work of this convention I am anxious to go home. If I was satisfied the families of these talking men could not get along without them I would be in favor of their being allowed to go home; but I believe they can get along better without them than with them [Laughter]

Mr STEVENSON Mr President, I see that these gentlemen from Otoe and Douglas counties have not a bit of the milk of human kindness in their breasts for we who are compelled to stay here

Mr. BALLARD. Once more I will enter their protest against adjournment

Leave of Absence Again.

Mr EATON Mr President I have hesitated a long while before

getting up. I wish to ask leave until Tuesday noon. I must go home whether I get leave or not.

The convention divided, and leave was granted.

Mr. MANDERSON. Mr. President, I call for the action of the convention on my motion for my colleague (Mr. Estabrook) having leave.

The convention divided and leave was not granted.

Adjournment Again.

The PRESIDENT. The question is on adjournment until two o'clock this afternoon.

The convention divided and the motion was not agreed to.

Mr. HASCALL. I move we adjourn until Monday at two o'clock.

The PRESIDENT. The ayes and nays are demanded. Secretary, call the roll.

The vote was taken and the result announced, ayes 19, nays 20, as follows:

AYES.

Boyd,	Myers,
Cassell,	Parchen,
Eaton,	Philpott,
Estabrook,	Robinson,
Hascall,	Scofield,
Kenaston.	Shaff,
Kirkpatrick,	Vifquain,
Lake,	Wakeley,
Mason,	Wilson.—19.
Manderson,	

NAYS.

Abbott,	Majors,
Ballard,	Reynolds,
Curtis,	Sprague,
Gibbs,	Stevenson,
Granger,	Stewart,
Gray,	Thummel,
Griggs,	Thomas,
Kilburn,	Tisdel,
Lyon,	Towle,
McCann,	Weaver.—20.

ABSENT OR NOT VOTING.

Campbell,	Neligh,
Grenell,	Newsom,
Hinman,	Parker,
Ley,	Price,
Maxwell,	Speice,
Moore,	Woolworth,
	Mr. President—13.

So the motion was not agreed to.

Mr. WAKELEY. I move we adjourn until 1:30 o'clock on Monday.

The yeas and nays were demanded.

The secretary called the roll and the president announced the result, yeas 25, nays 15, as follows:

YEAS.

Boyd,	McCann,
Cassell,	Parchin,
Eaton,	Philpott,
Estabrook,	Robinson,
Hascall,	Scofield,
Kenaston,	Shaff,
Kilburn,	Thomas,
Kirkpatrick,	Thummel,
Lake,	Towle,
Mason,	Vifquain,
Manderson,	Wakeley,
Moore,	Wilson.—25.
Myers,	

NAYS.

Abbott,	Majors,
Ballard,	Reynolds,
Curtis,	Stevenson,
Gibbs,	Stewart,
Granger,	Sprague,
Gray,	Tisdel,
Griggs,	Weaver.—15.
Lyon,	

ABSENT OR NOT VOTING.

Campbell,	Newsom,
Grenell,	Parker,
Hinman,	Price,
Ley,	Speice,
Maxwell,	Woolworth,
Neligh,	Mr. President.—12

So the convention (at twelve o'clock and 20 minutes) adjourned.

FORTY-THIRD DAY.

Monday, August 14, 1871.

The convention met at one o'clock and thirty minutes and was called to order by the president.

Prayer.

Prayer was offered by the chaplain as follows:

"Our Father, we thank Thee for this peaceful assembly May it please Thee to bless the convention in all the duties and privileges of the week. May the interest of truth suffer no wrong, may all the defenses of the state be wisely guarded. Amen"

Reading of the Journal.

The secretary read the journal of the preceding day, which was approved.

Reports of Standing Committees.

Mr. REYNOLDS. Mr. President, your committee on enrollment and engrossment, to whom was referred the legislative article, report that they have examined the same and find it correctly engrossed.

Leave of Absence.

Mr. CURTIS. Mr. President, I ask an indefinite leave of absence after today.

Leave was granted.

Banks and Currency.

The PRESIDENT. The article on banks and currency is now on its third reading and passage Mr Secretary, read.

The secretary read as follows

ARTICLE—

Section 1 No state bank shall hereafter be created, nor shall the state own or be liable for any stock in any corporation or joint stock company or association for banking purposes, now created or hereafter to be created

No act of the legislature authorizing or creating corporations or associations with banking powers, whether of issue, deposit or discount, nor amendments thereto, shall go into effect or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for or against such law.

Sec. 2. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors over and above the amount of stock by him or her held, to an amount equal to his or her respective stock or shares so held, for all its liabilities accruing while he or she remains such stockholder

Sec 3. The suspension of specie payments by banking institutions on their circulation, created by the laws of this state, shall never be permitted or sanctioned

Every banking association now or which may hereafter be organized under the laws of this state shall make and publish a full and accurate quarterly statement of its affairs (which shall be certified to under oath by one or more of its officers) as may be provided by law

Sec. 4. If a general banking law shall be enacted it shall provide for the registry and countersigning, by an officer of the state, of all bills or paper credits designed to circulate as money, and require security, to the full amount thereof, to be deposited with the state treasurer in United States or Nebraska state bonds, to be rated at ten per cent below their par value; and in case of a depreciation of said bonds to the amount of ten per cent below par the bank or banks owning said stock or bonds shall be required to make up said deficiency by depositing additional stocks or bonds and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer thereof, and to whom such transfer is made

The PRESIDENT. This is the third reading of the article. The question is, gentlemen, upon its passage. Those favoring the passage of the article will, as their names are called, answer aye, those opposed, no. Mr. Secretary, call the roll.

The secretary called the roll.

The president announced the result, ayes 27, nays 7, as follows:

AYES.

Abbott,	Reynolds,
Boyd,	Stevenson,
Curtis	Stewart,
Cassell,	Sprague,
Estabrook,	Scofield,
Granger,	Shaff,
Griggs,	Thomas,
Hascall,	Thummel,
Kilburn,	Tisdel,
Majors,	Towle,
Mason,	Wakeley,
Manderson,	Weaver,
Moore,	Mr. President.—27
Myers,	

NAYS.

Ballard,	Lyon,
Campbell,	Vifquain,
Gibbs,	Wilson.—7.
Kirkpatrick,	

ABSENT AND NOT VOTING.

Eaton,	Price,
Hinman,	Gray,
Ley,	Lake,
Neligh,	McCann,
Philpott,	Parchen,
Grenell,	Robinson,
Kenaston,	Parker,
Maxwell,	Speice,
Newsom,	Woolworth.—18.

So the article passed, the title was agreed to, and the article referred to the committee on revision and adjustment.

Separate Proposition.

The PRESIDENT. The next. This is the proposition attached to the article on banks and currency, which it will be remembered was to be submitted separately. The secretary will read it now for the third time.

The secretary read as follows:

Every stockholder in a banking corporation, company or association, shall be individually responsible and liable to its creditors over and above the amount of stock by him or her held, to an amount equal to twice the entire amount of his or her respective stock or shares so held, for all its liabilities accruing while he or she remains such stockholder.

The PRESIDENT. The proposition is upon its passage. As many as are in favor will, as their names are called, answer aye, those opposed no.

The secretary called the roll.

The president announced the results, ayes 25, nays 7, as follows:

AYES.

Ballard,	Myers,
Curtis,	Stevenson,
Campbell,	Stewart,
Cassell,	Sprague,
Gibbs,	Shaff,
Granger,	Thomas,
Hascall,	Tisdel,
Kilburn,	Towle,
Kirkpatrick,	Vifquain,
Lyon,	Wakeley,
Majors,	Weaver,
Mason,	Wilson.—25.
Moore,	

NAYS.

Abbott,	Reynolds,
Boyd,	Scofield,
Griggs,	Thummel.—7.
Manderson,	

ABSENT AND NOT VOTING.

Eaton,	Neligh,
Estabrook,	Newsom,
Grenell,	Parchen,
Gray,	Parker,
Hinman,	Philpott,
Kenaston,	Price,
Lake,	Robinson,
Ley,	Speice,
Maxwell,	Woolworth,
McCann,	Mr. President.—20

So the proposition passed and was referred to the committee on revision and adjustment.

The PRESIDENT The secretary will read the legislative article. The secretary read as follows:

ARTICLE—.

Enumeration and Apportionment.

Sec 3. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year 1872, and at the end of every two years thereafter until after the year 1880, when it shall provide for an enumeration in the year 1885, and every ten years thereafter; and at their first regular session after such enumerations, and also after each enumeration made by the authority of the United States, but at no other time, the legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and navy: Provided, however, that the legislature, in making such apportionment, shall apportion to counties containing three fifths of the ratio one representative, and all counties having a surplus of three-fifths of the ratio shall be entitled to one additional representative

Election of Senators.

Sec 4 Every county having three-fifths of the number of inhabitants allowed for a senator shall be entitled to one senator, counties having one or more senators shall be allowed one senator for an excess of three-fifths of the number of inhabitants allowed for a senator a county having the number of inhabitants allowed for a senator, or three-fifths of that number, shall be a senatorial district. A county not having the requisite population for a senatorial district shall be joined with like counties and made a senatorial district, the population to correspond with the population in other districts, such districts to be comprised of contiguous counties, and as near as practicable of equal population.

Senate and House of Representatives.

Sec 5. The first house of representatives under this constitution shall consist of fifty-seven members, who shall be chosen for one year, until the year 1873; after that year the members of the house of representatives shall be chosen for two years

The first senate shall consist of nineteen members, who shall be chosen for two years. After the first election, the number of senators and members of the house of representatives shall be regulated by law, but shall never exceed one hundred representatives and thirty-three senators

Pay and Mileage of Members.

Sec 6 Members of the legislature shall receive for their services four dollars per day, and mileage at the rate of ten cents per mile for every mile necessarily traveled in going to and returning from the state capital.

The speaker of the house shall receive twice the per diem of members.

Organization of Legislature.

Sec. 7. The sessions of the legislature shall commence at 12 o'clock, noon, on the first Tuesday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this constitution.

A majority of the members elected to each house shall constitute a quorum

Each house shall determine the rules of its proceedings, and be the judge of the election returns and qualifications of its members; shall choose its own officers, and the senate shall choose a temporary president to preside when the lieutenant governor shall not attend as president, or shall act as governor.

The secretary of state shall call the house of representatives to order at the opening of each new

legislature, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat.

No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house; and no member shall be twice expelled for the same offence.

Each house may punish by imprisonment any person not a member who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence; but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Qualifications of Senators.

Sec. 8. No person shall be a senator who shall not have attained the age of twenty-five years, and have been an inhabitant of the state two years next before his election, and the last year thereof an inhabitant of the district for which he shall be chosen, unless he shall have been absent on the public business of the United States or of this state; and no person elected as aforesaid shall hold office after he shall have removed from such district.

Federal and State Officers Ineligible For Members of the Legislature.

Sec. 9. No person being a member of congress, or holding any office under the United States, or any lucrative office under the authority of this state, shall be eligible to or have a seat in the legislature; but this provision shall not extend to postmasters whose annual compensation shall not exceed $300, nor to township or precinct officers, justices of the peace, notaries public, or officers of the militia. And if any person shall, after his election as a member of the legislature, be elected to congress, or appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

Embezzlement and Defalcation of the Public Funds a Disqualification For Holding Office.

Sec. 10. No person who shall be convicted of the embezzlement or defalcation of the public funds of this state shall ever be eligible to any office of honor, trust or profit under this state; nor shall any person convicted of felony exercise the right of suffrage or be eligible to office, unless he shall have been restored to civil rights.

Vacancies.

Sec. 11. The legislature may declare the cases in which any office shall be deemed vacant and also the manner of filling the vacancy, where no provision is made for that purpose in the constitution.

Extra Compensation or Allowance.

Sec. 12. The legislature shall never grant any extra compensation to any public officer, agent, servant or contractor, after the services shall have been rendered, or the contract entered into; nor shall the compensation of any public officer be increased or diminished during his term of office.

Impeachment.

Sec. 13. The house of representatives shall have the sole power of impeachment, but a majority of all members elected must concur therein.

All impeachments shall be tried by the senate, and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence.

When the governor of the state is tried the chief justice shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected; but judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, profit or trust under this state; but the impeached shall nevertheless be liable to indictment and punishment according to law.

No officer shall exercise his office after he shall have been impeached

and notified thereof until he shall have been acquitted.

Oath of Office.

Sec. 14. Members of the legislature, before they enter upon their official duties, shall take and subscribe the following oath or affirmation

I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the state of Nebraska, and will faithfully discharge the duties of senator (or representative) according to the best of my ability; and that I have not, knowingly or intentionally, paid or contributed anything, or made any promise, in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office; and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, for any vote or influence I may give or withhold, on any bill, resolution or appropriation or for any other official act.

This oath shall be administered by a judge of the supreme, district or county court in the hall of the house to which the member is elected, and the secretary of state shall record and file the oath subscribed by each member

Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to, or of violating his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this state

Executive Veto.

Sec 15. Every order, resolution or vote to which the concurrence of both houses may be necessary (except on a question of adjournment) shall be presented to the governor and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both houses according to the rules and limitations prescribed in case of a bill.

Appropriation Bills to Originate in The House of Representatives.

Sec. 16. Any bill may originate in either house of the legislature, except bills appropriating money, which shall originate only in the house of representatives; and all bills passed by one house may be amended by the other.

Salt Springs Belonging to the State.

Sec. 17. The legislature shall never alienate the salt springs belonging to this state, but may dispose of the lands connected therewith or purchase other contiguous lands for the purpose of developing said springs but for no other purpose.

Journal and Proceedings of the Legislature.

Sec 18. Each house shall keep a journal of its proceedings and publish them (except such parts as may require secrecy), and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

All votes in either house shall be viva voce.

The doors of each house and committees of the whole shall be open, unless when the business shall be such as ought to be kept secret

Neither house shall without the consent of the other adjourn for more than three days

Words Spoken in Debate.

Sec 19 No member of the legislature shall be liable in any civil action or criminal prosecution whatever for words spoken in debate

Representative Districts

Sec 20 Representatives shall be chosen by districts of convenient contiguous territory as compact as may be, to be defined by law

A county not having the requisite population to entitle it to a representative shall be joined to one or more like counties and made a rep-

the railroad company or corporation to be personal property, and then states it shall be liable to execution and sale in the same manner as personal property. As to the principal part of that section, I have no objection, but if this is to be declared personal property for all purposes whatever, I ask gentlemen to reflect upon the consequences and see if they are prepared to endorse it. Everybody knows that whenever a mortgage is given upon a railroad it is made to include the rolling stock and appurtenances of the road as a part of the mortgage, and I suppose it will be very difficult to negotiate railroad bonds secured by a mortgage of any other description. I do not know that this section was intended to prevent it, but with the broad statement that it shall be considered personal property, it might be so construed as to prevent a railroad and its rolling stock and fixtures from being mortgaged as real estate. Every lawyer knows this, that a mortgage cannot be given upon personal property which is not in existence at the time the mortgage is executed. A mortgage upon personal property to be acquired in the future is void, there being nothing for the mortgage to operate on. This is the opinion of all lawyers whc have had occasion to examine autorities upon that point; but in executing a railroad mortgage it is not only customary, but essential to the negotiation of railroad security, to treat the rolling stock as a portion of the railroad. I see no reason whatever for adopting any constitutional provision which will prevent that from being done and do not suppose that was the object of the section, but that [the] purpose was to make this personal property for ordinary objects and prevent it from being exempted from execution.

To you, I think this merits serious consideration. I presume we do not consider it wise and expedient to make a provision which would prevent railroad securities from being negotiated and thus prevent the building of railroads.

Mr. BALLARD. If your amendment carries, does it not make a discrimination in favor of railroads that is not given to anybody else?

Mr. WAKELEY. Mr. Chairman, I consider it this: that in order to consider the building of railroads it is necessary to negotiate railroad bonds secured by mortgage; and any provision which would prevent a railroad company—take the Omaha & Northwestern, the Omaha & Southwestern railroads—any provision which would prevent these corporations from going into the eastern markets and effecting a loan upon the security of the road would prevent them from constructing their road, and thus prevent the community from having the advantages of the road; and I can see no possible object to be accomplished by prohibiting railroad companies from mortgaging their rolling stock in the ordinary way in which it has always been done. I feel entirely clear that a constitutional provision which would prevent that would much impair railroads in this state. This provision will prevent companies from loaning, although willing, and if so

it would prevent capitalists from loaning them money upon railroad securities. What possible good can be accomplished to the people or anybody by a provision of that kind I am not able to see I ask gentlemen to consider this matter and see if I am right. The language is very broad·

Sec 2. The rolling stock, and all other movable property belonging to any railroad company or corporation in this state, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals. And the legislature shall pass no law exempting any such property from execution and sale

I see no objection to making it liable to execution and sale in the ordinary way, or prohibiting the exemption of any such property from execution and sale, but to make it personal property for all purposes and thus prevent railroad mortgages from including its rolling stock would prevent the sale of railroad securities and very much embarrass railroads in this state.

Mr BOYD Does not the present law of our state make the rolling stock and all movable property of railroads personal property?

Mr WAKELEY I did not examine the law, but trusted myself to that.

Mr THOMAS If the rolling stock is considered real estate for the purpose of being mortgaged, and personal property when an execution is to be levied, suppose this rolling stock is not mortgaged and the execution about to be levied, how could you sell the property under the section subject to the mortgage already upon it?

Mr. WAKELEY. Unquestionably it would have to be sold subject to the mortgage. If I own a farm subject to mortgage and the taxes are not paid the state may sell the farm for taxes. It cannot effect a sale of railroad movable property for taxes. It is entirely immaterial whether the property is mortgaged or not.

Mr. ABBOTT. I would ask whether the railroad lands would also be included?

Mr WAKELEY I do not see how this section has any application to land This section is designed to make rolling stock of railroad companies personal property. Now my suggestion is simply this, that it should be allowed to be treated as real estate and part of the railroad for the purpose of mortgaging the railroad and its effects and appurtenances to raise money for prosecuting the road. I consider it a matter worthy of some consideration. I have no interest in it.

Mr THOMAS. If a man should have a small judgment against a railroad company, and suppose an execution be levied on a car or two, how could that be sold which was subject to a mortgage?

Mr WAKELEY I do not claim it could be sold to any advantage or affect [property] incumbered by the mortgage. Having made this statement I will be glad to hear from other members of the convention. It may be it is wise to make this provision.

The amendment was not agreed to.

The second section was adopted.

The chairman read the next section, as follows:

Sec. 3. No railroad corporation shall consolidate its stock, property and franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be prescribed by law. A majority of the directors of any railroad corporation now incorporated, or hereafter to be incorporated by the laws of this state, shall be citizens and residents of this state.

Mr. BALLARD. I move to strike out all after the words, "competing line," in the second line.

Mr. GRIGGS. It appears to me that the amendment ought not to prevail. I do not care how many railroads consolidate, provided they do not run in the same direction. If they are competing lines I will not wish them to consolidate, but if they are competing interests and running in the same direction, I would be opposed to this being stricken out.

Mr. THOMAS. It seems to me this ought not to be stricken out. I see no reason for it. It seems to me that there ought to be some restrictions. The part proposed to be stricken out says, "and in no case shall any consolidation take place except upon public notice given at least sixty days, to all stockholders, in such manner as may be prescribed by law." Will the gentleman be willing that such consolidation take place without any notice at all? Is not it right to place some restrictions upon them? The latter part of the 9th section most assuredly ought to remain. Then the second part says, "a majority of the directors of any railroad corporation, now incorporated or hereafter to be incorporated by the laws of this state, shall be citizens and residents of this state."

Mr. BALLARD. Perhaps the first inquiry that arises is, what is the aim and object of this section: "No railroad corporation shall consolidate its stock, property and franchises with any other railroad corporation owning a parallel or competing line." There I propose to stop, and the balance I propose to strike out. Now my object is to prohibit a consolidation of competing lines through this state.

Mr. BOYD. The first two lines do that. I guess you have mistaken the idea contained in the section.

Mr. THOMAS. I understand the first two lines to prevent the consolidation of any competing line, then the second part goes on, "and in no case whatever, etc." That is any other case.

Mr. BALLARD. My second objection is that these parties must be residents of Nebraska. I do not think that is right. I think too much of railroads to prevent capital coming in here.

Mr. BALLARD. Mr. Chairman, I withdraw my amendment.

Mr. THOMAS. There is a mistake, Mr. Chairman, which the printer has made in the first line. Where it reads "and franchises," it should be "or franchises."

The CHAIRMAN. It will be corrected by general consent.

The CHAIRMAN. The question is upon the adoption of the section.

The section was adopted.

The chairman read the next section, as follows:

Sec 4 Railways heretofore constructed, or that may hereafter be constructed in this state, are hereby declared public highways, and shall be free to all persons for transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the lgeislature shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads of this state. The liability of railroad corporations as common carriers shall never be limited, but the same shall be and remain as fixed by the common law

Mr. TOWLE. Mr. Chairman, I move to strike out the word shall in the third [ninth above] line, and insert the word may

Mr. BOYD. Mr. Chairman, I am in favor of the amendment of the gentleman from Richardson (Mr. Towle) I think that matter had better be left with the legislature.

Mr MASON. Mr. Chairman, I like this word shall Benefits and free passes will bring about the word may in due time [1]

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Richardson (Mr. Towle) The amendment was not agreed to

The CHAIRMAN The question is upon the adoption of the section.

The section was adopted

The secretary read the next section, as follows

Sec 5 No railroad corporation shall issue any stock or bonds except for money, labor or property actually received and applied to the purposes for which such corporation was created; and all stock, dividends and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void. The capital stock of no railroad corporation shall be increased for any purpose except upon giving sixty days' public notice in such manner as may be provided by law

Section 5 was adopted.

The secretary read the next section, as follows:

Sec. 6. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature of the property and franchises of incorporated companies already organized, or hereafter to be organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation when, in the exercise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right

Section 6 was adopted.

Th secretary read the next section as follows:

Sec. 7. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises

Section 7 was adopted

The secretary read the next section, as follows

Sec 8 All lands in this state heretofore granted or that may hereafter be granted by the United States to any railroad corporation and to which any railroad corporation is

[1] Judge Mason was a true prophet. The less imperative substitute was adopted by the more considerate convention of 1875. ED

now or hereafter may become entitled by the building thereof, shall be subject to taxation from the time the same are designated and set apart or surveyed and set off by the United States for said corporation.

Mr. VIFQUAIN. Mr. Chairman, I move to amend by inserting, in line 3, after the words "shall be," the words, "assessed at its full value and be."

Mr. HASCALL. Mr. Chairman, we have applied a rate of taxation which applies all over the state. I see no need of particularizing in this article.

Mr. VIFQUAIN. My idea is this, Mr. Chairman. I know one company in this section which charges exorbitant prices for their land. It is plain they want them out of the market. If we would tax the full value of this land they would be compelled to sell at lower figures.

Mr. BOYD. Mr. Chairman, I move to strike out this section, for this reason, that the fourth line in the first section of the article on revenue and finance covers the whole ground. It reads: "Every person and corporation shall pay a tax in proportion to the value of his, her, or its property."

Mr. WAKELEY. Mr. Chairman, this a matter which was referred to the special committee consisting of the judiciary committee and several gentlemen in addition. After a full discussion, the majority of the committee decided it was not proper to make special provision for any corporation or company.

The fundamental rule is that there shall be but one rule of taxation—that all persons and all corporations shall be taxed alike; and the committee could not see, and I can see no reason for any special provision to apply to lands which have been donated or are to be conveyed to railroad corporations. It is unquestionably the fact that these lands are subject to taxation as soon as the title passes out of the hands of the United States. I think it is advisable to strike the section out entirely. I believe the legislature can provide for this matter.

Mr. VIFQUAIN. Mr. Chairman, I can tell the gentleman from Douglas (Mr. Wakeley) I have been very often taxed for lands I did not own or upon which I did not have any title. I mean I think the railroads should be taxed the same. They are entitled to their lands as soon as they get twenty miles of their road built, and they should be taxed.

Mr. WAKELEY. Mr. Chairman, I did not say the railroad company should not be taxed on these lands until they have got their patent; but it is a question for the courts to decide at what time it ceases to be United States land and becomes the lands of individuals or corporations.

Mr. CASSELL. Mr. Chairman, I hope that this motion will not prevail. We all know that our lands are not all taxed at their full value, and I am not in favor of taxing railroads because they are railroads, in the full value. You might just as well tax speculators' land and nonresident at their full value.

Mr. MASON. Mr. Chairman, I believe that railroad lands are taxable as soon as they have a right to the land, or such as they can perfect into

a title when they wish. I go further than some gentlemen on this floor I claim they are liable to be taxed from the very hour that they accepted the grant. The fact that the B. & M. has never paid taxes upon their land should challenge the attention of gentlemen living in the counties along that line The question is whether we shall place in the constitution an inflexible rule. There is one case that this section covers in the state, that is, the Union Pacific; but it does not cover the Burlington and Missouri River Railroad; and I say if the B. & M. has not paid taxes in the past it has not been for want of law, but from sheer neglect of those who should have collected these taxes.

Mr. BOYD. In our present constitution there is a provision which reads as follows:

"The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals."

Mr. MASON. The gentleman will not hurry me. Now, sir, as this does not cover all the cases in the state as it is intended to do, it ought to be stricken out, and I hope that what has been said here on this matter may awaken these persons who should attend to this to the performance of their duty. I think that the whole record of the B. & M. shows that it is a public robber of the people, and I for one am willing to try and lay our hands on it and make it help in supporting the revenue of the state

The CHAIRMAN. The question is on striking out section 8.

The committee divided and the motion was agreed to.

The chairman read the next section as follows:

Sec 9 No county, city, town, township or other municipal corporation shall ever make any donation to, or loan its credit in aid of, any corporation that has received or may hereafter receive a grant of land from the United States, or to any railroad corporation which has or shall hereafter construct its road in whole or in part from the proceeds of land grants made or hereafter to be made to any corporation or company by the United States.

Section 9 was adopted.

Mr. BOYD. Mr. Chairman, I move that the committee rise and report the article back to the convention, and ask their concurrence in the amendments of the committee of the whole.

The motion was agreed to.

Mr. SCOFIELD. Mr. President, the committee of the whole have had under consideration the article on railroad corporations and have instructed me to report the same back with sundry amendments thereto, and ask the concurrence of the convention in them.

Mr STEVENSON. Mr. President, I move we now take up this article in convention.

The motion was agreed to.

The secretary read the first section as follows

Railroad Corporations.

Section 1. Every railroad corporation organized or doing business in this state under the laws or authority thereof, or by the authority of the general government, shall have and maintain a public office or place in this state for the transaction of its business, where transfers of stock

shall be made, and in which shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer to be designated by law, of the amount received from passengers on the road and the amount received for freight thereon, and of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the legislature shall pass laws enforcing, by suitable penalties, the provisions of this section.

Mr. MASON. I move we concur in the amendments reported from the commitee of the whole.

The motion was agreed to.

Mr. BOYD. I move to strike out in the third line the words, "or by authority of the general government."

Mr. WAKELEY. Mr. President, I wish to say a word before the vote is taken. My objection to retaining in this constitution the words which my colleague (Mr. Boyd) moves to strike out is simply this. I do not believe in putting in our constitution a provision which will be invalid in consequence of the confliction between that law and the laws of the United States. I suppose it to be an undoubted principle of law, where the United States has the authority to pass an act, that that act cannot be changed by any act of any state or territory. When the United States fixes the place where their business shall be transacted I don't think that any good lawyer will stand upon this floor and claim that the state of Nebraska, either by its laws or constitution, can change or modify the act of congress. I do not believe it will be claimed here that the state of Nebraska can say where the stock of the Union Pacific railroad shall be invested and their books kept.

If that be so I think all will agree with me it is manifestly improper to insert a provision in our constitution which will be a nullity. I have not the slightest objection in the world to any railroad in the United States being required to establish an office, do its business, and transfer its stock in the State of Nebraska, but am satisfied in my own mind that this state has no constitutional power to make a railroad do in this state that which, by its charter, it is required to do somewhere else. That is my opinion formed on principle.

Mr. MASON. Mr. President, as to the legal question involved, I understand the law to be this: A corporation is an ideal, being created either by this state, or by some other state, or by an act of congress, and possesses just such power as is given them in the act of creation, that they are subject to all the legal laws wherever they do business, the same as a human being. Hence, I argue that if an agency of the federal government comes to Nebraska to transact its business it must be subject to the laws of Nebraska the same as though a corporation was organized in New York. An insurance com-

pany, if you please, if it comes to Nebraska, it must conform to all the local laws of Nebraska and be subject to all its provisions In respect to this provision it is true no exigency has arisen which clearly shows that this is wise, but I could easily imagine an exigency in which it would be almost indispensably necessary. It is an entirely new theory to me that the state of Nebraska may, by its legislative power, create an ideal being, give it power to act, send it to Iowa, and that ideal being not subject to the laws of Iowa. My idea of a corporation is this. The federal government may create corporations, so, also, may the state of Nebraska, and these ideal beings possess just such powers as the organic law creating them gives them When they go abroad to do business they must be subject to all the local laws where they do business it is true the statute against murder cannot be enforced because you cannot catch the ideal being, for it has got no body, no soul, and no neck to put a rope around It is true you can not enforce the law against larceny, but it is also true that you may enforce every legal statute that has any application to it, and it becomes subject to all the rules and regulations of the cyclone (?) where it transacts its business It only remains to consider whether this provision be wise After mature reflection I see the same necessities for imposing this duty upon the Union Pacific railroad that I see for imposing this duty on other roads Suppose the time should ever come, in the future development of this country and state, when the same tricks should be resorted to, and ways that are dark should be applied, as in the Erie road, would not it be an important matter that there should be an office kept where the iniquity could be unearthed, where the property rights of your citizens could be protected? It seems to me it is important for the citizens of this state to keep a public office.

Mr. WAKELEY, to Mr Mason In the case of a United States bank, when the supreme court of the United States declared it unconstitutional, did not they rest it solely upon the ground that it was necessary to create that bank to carry on the fiscal bureaus of the government, and that they had no right to carry it on any other principle.

Mr. MASON. What the particular rule in that discussion was, I do not know, except to know it was decided. I am not about to say whether this power was rightfully exercised by congress or not. I wish to say here, that if we have reached that period in our existence when the congress of the United States can create an ideal being and give it just such functions as it pleases and stalk into this state and do business without being subject to the control of our local laws, then, indeed, sir, we have a being walking in our midst over and above the law that may crush the liberties of the people and take away the prosperity of the subject. I deny that any such state of things exists, and I do hold that this is not a functional power of government, and whether they have rightly made this corporation or not, I care not to discuss, except to say,

that if it was rightly made it was made in a total lack of wisdom in many respects.

Mr. WAKELEY. Mr. President, if the gentleman from Otoe had paid special attention to the language of this section, he would find that it is this: that they shall maintain in this state an office where transfers of stock shall be made; that requires, for instance, that all transfers of stock in the Union Pacific railroad shall be made in this state. Now, does the gentleman seriously think that this provision will be enforced? Is there not an act of congress which allows them to make a principal place for transacting the business in any one of several designated cities? And under that, have they not established an office at Boston as a principal place of doing business, where they keep their books, and where the transfers of stock must be made? Now, is it competent for this state to annul that act of congress and compel them to transfer that business to Omaha? Suppose a man living in New York has a share of stock in the Union Pacific railroad company, and wishes to sell it to a resident of Boston, he finds the constitutions of five or six states requiring him to transfer that share of stock in five or six different places. He cannot transfer it in Boston upon the books; he is required to do an impossible thing, and required to transfer that stock in five or six different places at the same time. Now, does my learned friend hold that this can be done?

Mr. MASON. I will answer that. As a legal proposition it can be done. Whether it is wise to do it or not is another question. That corporation started out with just such functional power as congress gave it. If it liked to come to Nebraska to do business it must be subject to all the local laws of Nebraska. That we ought not to make laws which would cripple, or embarrass, or interfere seriously with its business is true; that we ought to make such that will protect our citizens is equally true; but that we have not the right to do it, no man will deny. Now, whether it is wise to do this thing is another question. I do not know enough about the order of their business and what they are doing to see any judgment or wisdom of it, but on the right to do it I am clearly certain.

Mr. WAKELEY. Well, I would agree, in the main, that any corporation, whether created by the state or general government, is subject to our local laws. I do not agree with him that where the congress of the United States creates a corporation as one of the agents for carrying on the business of the United States and make certain regulations with regard to it, I do not think the state of Nebraska has the right to annul those regulations and—

Mr. MASON. I admit at once, if it is one of the physical agents of the federal government and conducting business, we cannot touch it. I admit that, and say it is not. You say it is. If it is, your law is good; if it is a physical agency of the federal government, then my law is good.

Mr. WAKELEY. That is true, Mr. President, but the gentleman is a little mistaken. Judge Dillon's de-

cision was that the Union Pacific company was an agency of the federal government. He said congress had exempted it from taxation, and that that would not destroy it for all the purposes for which it was carried on. My reason for rising is that it goes against my judgment of order Enough has been suggested here, as the gentleman seems to admit, which seems to make it necessary to make provisions with regard to this corporation, although the act of congress did allow them to establish such offices at New York and other places, and they elected Boston, and they did just what we say they shall do here They did it in Boston We say they should do it here I believe this to be an unnecessary provision, and I shall vote against it because I dislike to see a provision go into our constitution which I do not think will be enforced I see much greater reason and much clearer power and right to say that corporations created by other states shall be required to do this, than corporations created by the general government, whose powers are supreme

Mr HASCALL The constitution of the United States expressly declares that the constitution and laws made in pursuance thereof are the supreme laws of the land Now, will any one question but that this law chartering the Union Pacific railroad company is constitutional, and being constitutional, that they have full control over that company? They have made laws and rules to govern that corporation If any further rules are necessary they can pass a law. We are only an integral part of the United States, and in reference to matters over which the United States have control, the state must not come in contact. And it does not appear judicious or wise in us to place ourselves in antagonism to the federal government in that respect. These questions with regard to transfer of stock being all regulated by their charter, and their transfer of stock being legal and regular, if they do it in accordance with the law of the United States, what right have we to say a transfer of stock shall be illegal unless they comply with certain provisions in our constitution or powers we should confer upon the legislature? We cannot confer such powers upon the legislature If it is a subject over which we have no control, then certainly we cannot say it shall be exercised through the legislature. Therefore, it looks simple for a constitutional convention to put a provision of that kind in the constitution. The Union Pacific railroad is a road created by the United States under the authority of the powers that congress gets from the constitution of the United States, and it is supreme Why do we undertake to make innovations upon it? With regard to corporations created by our laws, of course we have our regulations in regard to them, just as congress has in regard to corporations of its creation

Mr ABBOTT I am in favor of striking out the words as proposed.

Mr GRIGGS I too, believe it would not be wise to leave those words just as they are, and it might

cise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

Section 6 was adopted.

The secretary read the next section, as follows:

Sec. 7. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

Section 7 was adopted.

The secretary read the next section, as follows:

Sec. 8. All lands in this state heretofore granted or that may hereafter be granted by the United States to any railroad corporation and to which any railroad corporation is now or hereafter may become entitled by the building thereof, shall be subject to taxation from the time the same are designated and set apart or surveyed and set off by the United States for said corporation.

The PRESIDENT. The recommendation of the committee of the whole is to strike out this section.

Mr. BOYD. I move the convention concur in the recommendation of the committee.

The motion was agreed to and section 8 was stricken out.

The secretary read the next section, as follows:

Sec. 9. No county, city, town, township or other municipal corporation shall ever make any donation to, or loan its credit in aid of, any corporation that has received or may hereafter receive a grant of land from the Unitd States, or to any railroad corporation which has or shall hereafter construct a road in whole or in part from the proceeds of land grants made or hereafter to be made to any corporation or company by the United States.

The convention divided and section 9 was adopted.

The PRESIDENT. The question is on engrossment of this article for a third reading.

The motion was agreed to and the article was ordered engrossed.

Miscellaneous Subjects.

Mr. MYERS. Mr. President, I move that the convention go into the committee of the whole on the report of the committee on miscellaneous subjects.

The motion was agreed to.

Committee of the Whole.

So the convention in committee of the whole—Mr. Campbell in the chair—proceeded to consider the report of the committee on miscellaneous subjects.

The chairman read the first section, as follows:

BOUNDARIES.

Section 1. The state of Nebraska shall consist of all the territory included within the following boundaries, to-wit:

Commencing at a point formed by the intersection of the western boundary of the state of Missouri with the fortieth degree of north latitude, extending thence due west along said degree of north latitude to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington; thence north along the twenty-fifth degree of longitude to a point formed by its intersection with the forty-first degree of north latitude; thence west along said forty-first degree of north latitude to a point formed by its intersection with the twenty-seventh degree of longitude, west from Washington; thence north along said twenty-seventh degree of west longitude to a point form-

ed by its intersection with the forty-third degree of north latitude, thence east along said forty third degre of north latitude to the Keya Paha river, thence down the middle of the channel of said river with its meanderings to its junction with the Niobrara river, thence down the middle of the channel of said Niobrara river, and following the meanderings thereof, to its junction with the Missouri river; thence down the middle of the channel of said Missouri river, and following the meanderings thereof, to the place of beginning; and all the territory included within said boundary lines at the time of the admission of said state of Nebraska into the Union: Provided, the boundaries of the state may be enlarged, with the consent of congress and the legislature.

Mr TOWLE I move the adoption of the section

Mr. MASON. Mr. Chairman, I would like to ask if this is the same boundary as set forth in the old constitution? "It is" Then I would like to know just what this means, "following the meanderings of the Missouri river." Does it mean as it was at the time of the United States survey, or as it is now? There is certain land in Nemaha county that was on this side, but today is on the opposite side of the river It strikes me that this would leave that out

Mr. HASCALL. Mr. Chairman, I think the fault is in the printed copy of the article It was intended by the committee to include all that territory that was included in the state at the time of its admission into the union

Mr MASON. That don't get rid of the difficulty You say you will take that but suppose a person was arrested for a crime committed there by the authority of the state of Iowa, what state will have the jurisdiction?

Mr HASCALL. Well, that question may bother the supreme court, but I don't think it will trouble this convention. That line would be a matter of testimony The question would arise, where was this line? The the middle of the channel, at the time of the admission of the state into the union. It was then a fixed line upon the face of the earth and that line does not change with the changes of the Missouri river. We lose no territory that belonged to the state at the time of its admission into the union.

This is a question as to where the boundary was at the time it was fixed, and I claim it does not change because that happens to be the center of a river; it is just as fixed as though it was on land because there is land beneath.

Mr MASON. Mr. Chairman, I rise to say, that if I, or any gentleman in this convention knew just in what language to define the boundaries of this state, it would be well so to do. The committee of which I had the honor to be chairman, and among which were some very good lawyers, first considered this question of boundaries, and it was pretty generally agreed that there was not wisdom enough there assembled to speak accurately of the boundaries of the state, owing to the changing in the Missouri river, and all will agree we had better say nothing than make the slightest mistake in this regard

Mr ESTABROOK. Mr Chairman, at the opening of this convention I suggested the propriety of having a committee on boundaries. At that

time we had become so prone to following Illinois, that because she had her boundaries fixed and needed no such committee, we did not need one. I am of the opinion today the boundaries of our state go to the center of the main channel of the Missouri river. In fixing these boundaries, the states desire that rivers shall become boundaries, and shall be specified as such, so as to let them out into navigable waters. It is a convenient boundary, and is thought very desirable. I think if we follow that boundary we shall be safe, and the question may be one of law, what shall be its boundaries; but if we admit any other section than this, why it would be a fact that Iowa would be absolutely cut off from the river, and so would Nebraska.

Mr. MASON. Why not say the boundary shall be as defined by the enabling act on a certain date?

Mr. ABBOTT. I move to strike this out.

Mr. THOMAS. It seems to me we cannot put anything in our constitution in reference to boundaries. We could not do it in committee. We found that in many states they did not define their boundaries? The change of the channel of the river does not change the boundary of the state. Now, there was a bend of the river a little north of Peru, Nemaha county, a few years ago; [but it] cut through and gave a little into Iowa, leaving an island. The people on that island are paying taxes in Nemaha county. It seems to me the boundaries already established should remain. I am in favor of the motion to strike out.

Mr. GRIGGS. I hope we will strike out this section.

Mr. BALLARD. I hope not. Gentlemen will want to look at this instrument in a few years to know where the boundaries of the state are. We shall soon have about seventeen miles of Iowa in Nebraska up at Desoto. It only lacks a quarter of a mile of it. I think it is needless and foolish to talk about this thing. Let us do as Iowa has done.

Mr. TOWLE. As far as I am concerned, I can tell where I am; perhaps the gentleman from Washington (Mr. Ballard) cannot do that without the constitution. I am in favor of striking out the section. I believe if there are any rights, they are already defined and already vested under the enabling act of the state constitutions of Iowa, Missouri and Nebraska. It appears to me that the boundary of this state and that of Iowa, as far as regards the Missouri river, would be the same as they were, provided that the two states belonged to private persons. It would be decided entirely by the courts. And I take the view of the gentleman from Douglas (Mr. Estabrook) that, if we fix it according to the old constitution, we might find ourselves some day without any river navigation at all, or one part with and the other without. I think we should strike out the section.

Mr. ROBINSON. I hope this section will not be struck out. It should be left as defined by the act of congress. It has been regarded as a great difficulty in the courts to define the boundary of the Missouri river.

Mr ESTABROOK I think it would be one of the most cowardly transactions we have been guilty of if we refuse to define our own boundary Here we have the Missouri river washing in our favor all the while If we do not establish our own boundary, who will do it for us?

The committee divided and the motion to strike out was not agreed to

Mr HASCALL Mr Chairman I offer this as a substitute

The chairman read the substitute as follows

"The boundaries of the state of Nebraska as they existed at the time of the admission of the state into the union shall be and remain the boundaries of the same except as changed by law of the United States, with the consent of the state, and except any such enlargement of said boundaries as may be made by the cession of territory that shall be accepted by the state

The substitute was not agreed to

Mr STRICKLAND Mr Chairman, the truth is that congress has given us, and the state legislature has accepted a strip of land a mile long, within the last year If we adopt this section we lose this acquisition I think this would be a very foolish act upon our part

Mr WAKELEY Mr Chairman, I do not understand that the state has a right to fix its boundaries I suppose that no gentleman will claim that the state of Nebraska has a right to fix the boundaries of the state of Iowa, or other states which join us Neither do I think the state can leave out what is properly a part of the state This has always been regarded as being covered by a provision in the constitution of the United States which reads: "New states may be admitted by act of congress into this union, but no new states shall be formed or erected within the jurisdiction of another state, nor no state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned, as well as that of congress."[1] I suppose there can be no doubt but that the act of congress admitting this state into the union defined our boundaries, and if we adopt boundaries which conflict with these boundaries fixed at that time I have no doubt our constitutional provision, as far as that is concerned, will be void. I don't think that if we fix boundaries which would leave upon the Iowa side a certain portion of land which belongs it would not be valid It seems to me that if we can fix our boundaries so that they will coincide with the boundary line which was established at the time of our admission into the union, there could be no harm in fixing them, but if these lines do conflict, our provision would be of no effect. The enabling act defined our eastern boundary as the main channel of the Missouri river, today we pass a provision defining the same line, but the main channel of the Missouri is not now at the

[1] This is misquoted Correctly it is "New states may be admitted by the congress into this union, but no new state shall be formed or erected within the jurisdiction of any other state or any state be formed by the junction of two or more states or parts of states without the consent of the legislatures of the states concerned as well as of the congress" [ED

same place it was then. Which would be the line?

Mr. ESTABROOK. Is not this the fact, Judge, that wherever you find the main channel of the Missouri river, you find the boundary of the state?

Mr. WAKELEY. That is a conundrum I am unable to answer, but if it is true that the enabling act fixes the main channel of the Missouri as our eastern boundary is it necessary to fix the boundaries in our constitution? That, sir, is a question which will have to be tried in the courts of this state, and perhaps in the United States courts. We cannot, by our constitution, take what belongs to the state of Iowa, neither can we throw off what belongs to us. I believe the safer way is to leave the matter to the courts to decide. I think that the boundaries should be defined in the constitution of a state where the lines can be clearly defined. As my friend from Washington (Mr. Ballard) says, I would be glad to be able to see just what the boundaries of our state are by looking at the constitution, and if there was no difficulty about it, I would be glad to put it in.

Mr. SPRAGUE. Mr. Chairman, this question has already been in our courts. There was a murder committed on an island in the Platte river lying between the counties of Sarpy and Cass. The case came up for trial before Judge Streeter, under our territorial government, and he held that Cass county had jurisdiction of the case, because, at the time our boundaries were established by the government, the line of Cass county, being the channel of the river, was on the north side of the island, although at the time the crime was committed the channel was on the south side. Another case of a similar character was decided by Judge Lake. Cedar Island, which lays [lies] in the Platte between Sarpy and Cass, had been taxed by both counties, and the judge held that the island was in Sarpy county, because at the time of the formation of the state it was in that county, as he did not consider that the change in the channel of the river did not (?) change the boundary lines of the counties. I say that if you can cut off half a mile by the change of a river, you can cut off half a hundred. Suppose the Missouri should cut around this town of Lincoln, would all the country which now lies between this point and the present channel of the river become a part of Iowa? This is an extreme case, I will admit, and one which will not happen, but the principle involved is the same as though only half a mile were cut off. I hold that you cannot change the boundaries of a state by the changes in the channel of a river. I believe it would be better to have the section stricken out.

Mr. MAJORS. Mr. Chairman, I move the committee rise, report progress, and ask leave to sit again, making this the special order for Wednesday afternoon.

The motion was not agreed to.

Mr. STRICKLAND. Mr. Chairman, I will not detain the committee but one moment. It seems to me there is about three propositions. First.

whether we will define the boundary at all or not; and, next, whether, if we do, will that fix the matter? It seems to be the opinion of Judge Wakeley and others that to provide some such substitute as offered by Mr. Hascall would be the proper one. We would then have the boundary as it was when we were admitted as a state.

Mr. ESTABROOK. The boundary, as it was then, was the middle of the Missouri river. Is it that yet?

Mr. STRICKLAND. No, sir. Under that we have all of the territory we ever did have and that which was added by the act of congress since

Mr. THOMAS Mr Chairman, I desire to offer a substitute for the section It seems to me that this is all we need' The boundaries of this state shall be as heretofore established."

Mr TOWLE I move the adoption of the substitute.

Mr BALLARD Mr. Chairman, before that question is put, I would like to ask the convention if some gentleman from New York would meet a member of this convention on the street after he goes home and says to him, "Was not you a member of the constitutional convention?" you say, "Yes, sir." "What are the boundaries of the state?" "As heretofore established?' "What is that?' "I don t know "

Mr THOMAS Can the gentleman tell where the boundary of the state is now?"

Mr BALLARD I say it is the middle of the Missouri river and always will be, unless this convention is green enough to change it

Mr. THOMAS. Well, then, under that theory we would lose a large piece of land which is cut off from Nemaha county and thrown over into Atchison county, Missouri, land having valuable improvements on it, a mill and several houses.

Mr. HASCALL. Mr. Chairman, I have an amendment to offer, to add "but the boundaries may be enlarged by act of congress."

Mr. KIRKPATRICK. Mr. Chairman, I think if this convention will consider this report it will find that it is all right. In the first place this state, I say, has no right to fix or change these boundaries without the consent of other bordering states and the government of the United States. This simply reiterates the description of the boundaries as they were at the time of the admission of the state into the union, and then has a saving clause to include all territory annexed since that time This would establish it just the same as the substitutes offered by the gentleman from Douglas and the gentleman from Nemaha would. But, sir, it is of very little use to put this into the constitution at all, for the boundaries have been established by act of congress, and by our former constitution.

I would think it very pernicious to our interests to adopt this amendment because this fixes it where it was when we were received as a state instead of where it is now If this be adopted we shall assent to the proposition [that] it shall be where it used to be I suppose it is quite possible sometime or other commissioners will have to be appointed to

settle the boundaries of this state, and in that event I would deem it a matter of great importance that we have asserted out rights [to] just exactly what is embraced in the area bounded by these main channels. I say it is not law to define any boundary except the main channel of the Missouri river. Wherever it may go, you follow it.

Mr. MASON. Mr. Chairman, suppose, by some great convulsion of nature, some great and unnatural flood in the Missouri river cut its path down the valley of the Little Blue. I say the boundary of the state would not follow. What I wish to say is this. Every step I take in this matter I am getting from darkness into grosser darkness, and while we are groping in the darkness, is it safe to write anything when there is no necessity? I think not. Let us strike this out; there is no imperative necessity requiring it. If we cannot speak to the satisfaction of the legal minds of this convention, why we had better not go into darkness in this matter. I am not prepared to say what the boundary of this state is. It needs a thorough, searching, legal investigation. Where there is such a great difference of opinion,I think the section should be stricken out.

Mr. HASCALL. Mr. Chairman, as all are aware, there is a corner of this state taken by Colorado, and congress has a right to cede us that corner, and the state has a right to accept it. I have embodied my idea of it in this which I will read:

"The boundaries of the state of Nebraska, as they existed at the time of the admission of the state into the union, shall be and remain the boundaries of the same, except as changed by a law of the United States with the consent of the state and except any such enlargement of said boundaries as may hereafter be made by the cession of territory, that shall be accepted by the state."

There can be no mistake in this respect, for the reason that when we were admitted in the union, we were admitted with a constitution defining the boundaries, and they are contained in the constitution as published in our session laws. If we say they shall remain as they existed at the time we were admitted into the union, if there are any doubts what were those boundaries, we have plenty of time to ascertain it through the courts or by proper investigation.

There is no question about that. Well, then, what changes have our boundaries undergone since that time? Only one. And that was the one wrought by an act of congress which was acquiesced in by this state. And those boundaries changed the original boundaries contained in our constitution. The other proposition is that if additional territory is added to the state by cession, of course, then our boundaries shall be as contained in that respect.

Mr. ESTABROOK. The constitution of Iowa makes, as does ours, the western boundary of that state the middle of the main channel. Now there were times in our history when that might have changed six miles.

Mr. HASCALL. If the river opposite Nemaha county has taken in a township and thrown it on that side of the river, it still remains a part of

Nebraska, for the reason that we had jurisdiction over it when congress admitted us into the union, and the people upon that island are now voting in this state and paying taxes, too, and we have full jurisdiction, notwithstanding that you have to cross in a ferry boat to reach them. We cannot lose this country in Nemaha county. Gentlemen may talk about this right of ownership of individuals to land, but I claim that that law is not applicable to this case. I claim that at the time our boundaries were defined that was so fixed and no violations can change it. It was a fixture, and it will remain there for all time unless it is changed by some act of the state of Nebraska, or acquired from us by some other known recognized mode.

Mr. MASON. I move that when the committee rise, it report this section back to the house, with the several amendments added thereto, and recommend that it be referred to the committee on judiciary.

The motion was agreed to.

The chairman read the next section as follows:

Sec. 2. Any inhabitant of this state who shall hereafter be engaged in a duel, either as principal or second, or who shall send or accept, or knowingly be the bearer of, a challenge to fight a duel, or shall aid or assist, or in any manner encourage dueling, any person so offending shall forever be disqualified as an elector

It is surprising that most of the many lawyers who were members of the convention were familiar with the well settled principle of riparian boundaries. The principle was elaborately argued and decided by the supreme court of the United States as early as February 6, 1845, in the case of Nebraska v. Iowa. In 1837 the Missouri river suddenly cut through the neck of the oxbow about fifteen miles, and the question at once arose whether this sudden change of the channel changed the state of the territory thus cut off from the main land. In the course of the opinion Justice Grier said:

"It is settled law that where grants of land border on water and the banks are changed by that gradual process known as accretion the riparian owner's boundary remains the stream adhering during the years by this accretion the whole area of his possessions may vary. It is equally well settled that where a stream which is a boundary line by any unperceived and imperceptible degrees abandons entirely one of its old beds and seeks a new bed such change of course works no change of boundary and leaves the boundary remain as it was, in the center of the old channel, although a water may be flowing through it. The result of these authorities has been beyond doubt that neither on a change in a river would leave the boundary between two states the varying center of the channel, but in place of the ancient center of the channel would be substituted a fixed boundary to wit, the center of the abandoned bed."

It was contended in the case that the cut-off in question was one which caused extraordinary and rapid changes in the channel without antecedents. The Missouri river should be excepted from the rule of accretion so that the boundary should not in any case vary with the thread of the stream, but the court refused to establish such an exception.

Russell was entirely ignorant of the rule. Thomas and Lake only took the avulsion view evidently not knowing the rule regarding the law of accretion while Estabrook and Kirkpatrick recognized it.

By the cut-off of late a new channel was struck and it is supposed has given to the state within the last year [illegible] to Dakota county between Dakota City and the mouth of the river on the north. It is about two miles and a half long north and south and a half wide. The river left its oxbow course when embraced in the tract in 1849 and cut directly across its neck. Since that time most of the old channel has been covered by water and is the bed of water about two miles long called Crystal Lake. Recently water has been let in from the river to replenish it. Fine groves of forest trees grew up within the territory which after the cut-off became island [illegible] and there are now several farms within it. [illegible] act of congress of April 2[illegible] to defend the boundary line between Dakota and Nebraska as follows: [illegible] beginning at a point in the center of said main channel north of the west line of section twenty-four in township twenty-six north of range eight east of the sixth principal meridian and running thence to a point west of the most northerly portion of fractional section seventeen of township twenty-six north of range one east of said principal [illegible] United States statutes at large [illegible] by the act of February [illegible] the Nebraska legislature [illegible] the action and jurisdiction [illegible] Dakota county [illegible] Laws of Nebraska 187[illegible] p. [illegible]

and from holding any office under the laws of this state, and shall be punished in addition in such manner as shall be provided by law.

Mr. MASON. I move to strike out the section, and I desire to state my reasons therefor. Not, sir, but that I believe that this is a wise provision, but it looks as though we were just emerging from that condition of barbarism that has long since ceased to have recognition in the northern states of this union. Now, our criminal statutes contain a section like this, differing only in one thing. I might say differing in nothing, and this should be left to the criminal statutes. It seems to me it would be just as reasonable to put a provision in the constitution against murder. I consider that he who challenges, or bears a challenge, deliberately, is guilty of murder. It seems to me we do not want to put a provision in this constitution that murder should be considered a crime. It is well known that ever since the state was organized——the first session of the legislature, in 1855, adopted an Iowa provision on this subject. Until that was repealed in 1857, till the legislature met in 1858, we had no other penal statutes but that. Later, in 1858, precisely this provision was incorporated in our criminal code. Now, gentlemen, let us not brand the history of the state of Nebraska as not having come up to the standard of civilization in this regard, when her whole record shows she has. In short, we would be false to the history we ought to be proud of in this state to incorporate this provision here. It would be saying there was danger from the legislature of this state that that statute which now is upon our books would be wiped out, or that we should come back to the old code in this regard. Now, sir, I feel in my heart that there is no danger, and several gentlemen of this committee feel similarly. I think the provision is a proper one in the penal statute. It is a proper subject for the legislature, and for these reasons I move to strike out the section.

Mr. ESTABROOK. I fully concur in everything my friend has said. I think it is getting another load off our head. But there is a graver reason still why this should be rejected. "Any inhabitant of this state." If it had said "citizen," sir, it might have been described in more proper language. It will be seen that under the provisions of this act, that however much woman may be shut out from the privileges ascribed and granted to men in various ways, she is not prohibited from fighting a duel. (Laughter.) If there is any fight in her she certainly has the right, as has a man, and she is as liable. Now, the particular objection I have to this is that if two women propose to fight a duel, there would be no way to punish them, and if you did you would take away from them the right to vote, which is what you do not propose, it seems, to give them. You do not expect they will exercise that privilege.

The motion to strike out section 2 was agreed to.

Mr. MASON. Now, sir, I move that the committee rise and report

the article back with the recommendation previously agreed upon.

The motion was agreed to.

Mr. CAMPBELL Mr President, the committee of the whole have had under consideration the report of the committee on miscellaneous subjects, report progress and recommend that it be referred to the judiciary committee.

In Convention.

The PRESIDENT. The recommendation of the committee of the whole is that this convention refer the article on miscellaneous subjects to the judiciary committee

The recommendation was concurred in.

The PRESIDENT. The question is upon the adoption of the recommendation of the committee, which is to strike out this second section.

The section was stricken out.

Mr WEAVER Mr President, I move we adjourn until eight o'clock this evening.

The motion was agreed to, so the convention (at six o'clock and two minutes) adjourned.

Evening Session

The convention met at 8 o'clock, p m , and was called to order by the president.

Railroad Corporations.

Mr REYNOLDS. Mr President, your committee on enrolled and engrossed bills beg leave to report that they have examined the article on railroad corporations and find the same correctly engrossed.

Mr. GRIGGS Mr. President, I move this article be read the third time and put upon its passage.

The motion was agreed to.

The secretary read the article, as follows:

ARTICLE—

Section 1. Every railroad corporation organized or doing business in this state under the laws or authority thereof, or any other state, or by the authority of the general government, shall have and maintain a public office or place in this state for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock, and the amounts owned by them respectively, the amount of stock paid in, and by whom, the transfers of said stock; the amount of its assets and liabilities, and the names and place of residence of its officers

The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer to be designated by law, of the amount received from passengers on the road and the amount received for freights thereon, and of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law And the legislature shall pass laws enforcing, by suitable penalties, the provisions of this section

Sec. 2. The rolling stock, and all other movable property belonging to any railroad company or corporation in this state, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals And the legislature shall pass no law exempting any such property from execution and sale

Sec. 3. No railroad corporation shall consolidate its stock, property and franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except

upon public notice given of at least sixty days, to all stockholders, in such manner as may be prescribed by law. A majority of the directors of any railroad corporation now incorporated, or hereafter to be incorporated by the laws of this state, shall be citizens and residents of this state.

Sec. 4. Railways heretofore constructed, or that may hereafter be constructed in this state, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the legislature shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state.

The liability of railroad corporations as common carriers shall never be limited, but the same shall be and remain as fixed by the common law.

Sec. 5. No railroad corporation shall issue any stock or bonds except for money, labor or property actually received and applied to the purpose for which such corporation was created; and all stock, dividends and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void. The capital stock of no railroad corporation shall be increased for any purpose except upon giving sixty days' public notice in such manner as may be provided by law.

Sec. 6. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature of the property and franchises of incorporated companies already organized, or hereafter to be organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation when, in the exercise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

Sec. 7. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

Sec. 8. No county, city, town, township or other municipal corporation shall ever make any donation to, or loan its credit in aid of, any corporation that has received or may hereafter receive a grant of land from the United States, or to any railroad corporation which has or shall hereafter construct its road in whole or in part from the proceeds of land grants made or hereafter to be made to any corporation or company by the United States.

The PRESIDENT. The question is on the passage of the article as read. The secretary will call the roll.

The vote was taken and the result announced, ayes 30, nays 3, as follows:

AYES.

Abbott,	Newsom,
Ballard,	Parchen,
Boyd,	Philpott,
Campbell,	Reynolds,
Curtis,	Stevenson,
Estabrook,	Stewart,
Gibbs,	Sprague,
Granger,	Scofield,
Griggs,	Shaff,
Kenaston,	Thomas,
Kilburn,	Thummel,
Lyon,	Tisdel,
Mason,	Vifquain,
Moore,	Weaver,
Myers,	Wilson.—30

NAYS.

Hascall,	Wakeley.—3
Manderson,	

ABSENT, OR NOT VOTING.

Cassell,	McCann,
Eaton,	Neligh,
Grenell,	Parker,
Gray,	Price,
Hinman,	Robinson,
Kirkpatrick,	Speice,
Lake,	Towle,
Ley,	Woolworth,
Majors,	Mr President.—19
Maxwell,	

So the article was passed and the title was agreed to.

The PRESIDENT. The question is on the reference to the committee on revision and adjustment.

The motion was agreed to and the article so referred

The PRESIDENT The special order of the hour is the report of the committee on rights of suffrage The question is on striking out the second section of the article

Mr MASON Mr. President, before this question is put to vote, it should be expected after the two night sessions in which those favoring the extension of the rights of suffrage to the females of the state . that some one, taking a different view of this question should lay their reflections before this convention especially so, as this is true, that the remark has been made that we appreciate less the value and character of women than those who favor the investing of them with the elective franchise And in answer to this we say

["For thou art] woman with that word
Life's dearest hopes and memories come,
Truth, Beauty Love In her adored,
And earth's lost paradise restored
In the green bower of home"

Halleck

"O woman' lovely woman' nature made thee to temper man; we had been brute without thee"

The mother in her high office holds the key of the soul, and she it is who stamps the coin of character and makes us men who would be savages but for her and the sweet prattle of her offspring Then we crown her queen of the world. For in all this cold, hollow world there is no fount of deep, strong, deathless love, save that within a mother's heart This much we say of her, and it but partially expresses the high estimate in which we hold her; and we would do nothing which would tend to dampen the ardor or repress the devotion which she brings to the discharge of the highest and holiest of earthly duties that of molding the plastic mind that looks from beneath the curtaining fringe of baby eyes and leading, step by step the young ideas up to manhood's prime

this and all the tenderest and most holy offices that cluster about the altar of home are woman's most sacred right and inheritance—considering what ought to be the fundamental law in regard to the question now under consideration we would not take counsel of our prejudices but of reason and nature, that nature which "is but a name for an effect whose cause is God" Nature is the glass reflecting God as by the sea reflected is the sun Nature is, and ought of right to be, man's teacher. She unfolds her treasures to reward his toil, unseals his eye illumines his mind and purifies his heart, and nature has made nothing but can impart instruction to the wisest man.

How has she ordered her rule of government in all animal and intellectual beings? What is her high decree, against which man lifts his voice in vain? For surely God will not hear vanity, neither will the Almighty regard it. Then let us consider, with such lights as are within our reach, the present condition of woman with regard to the particular question under discussion, and how it came to be ordered as it is.

It is admitted that man makes the civil laws and executes them; but the man who makes the laws and who executes them is but the name for an effect whose real cause is woman. That mother now lives who by her teachings and her example is forming and molding the mind and character of the child who is to stamp the mother's character upon the institutions of our state with a more lasting, clearer and deeper impress than she possibly could by mingling in and taking part with us in the stormy and sometimes exciting debates which at times agitate this body. In the one case her arguments, her charms, and gentle influences and winning ways would be directed to mold, modify or change the direction given to public events by full grown men whose characters are hardened and crystalized and whose vices and virtues, prejudices and passions have become a part of their very being. As well might woman attempt, with her delicate, taper and lily white fingers to pick the grooves in a French burr millstone or dress and polish the roughest diamond with her hand alone. How changed is the result when she directs her gentle influences and holy love to mold and direct the mind and kindle the aspirations of childhood. With what wonderful facility the mind of the child is given bias and direction by the influence and teachings of the mother. How readily the stormy tempest of passion or grief yields and gives way to the fond caress of motherly love. She speaks in the gentle accents of affection, faith and purity, that crowning glory of the universe and says, "Peace, be still!" and the tempest is calmed and the dark clouds of passion which swept the soul give way before the glorious sunlight of a mother's holy teachings. Who would mar the glory of this scene, witnessed daily around a thousand family hearthstones, by the introduction of the serpent of political ambition or the still more dangerous enemy, political discord?

But, sir, we are told she could take upon herself the cares and burdens of government without detriment to her duties which are assigned her by nature, and with profit to the government and advantage to her offspring. Is this true? Can the sensitive, delicate, and refined woman come daily in contact with politicians and political influences, familarize herself with the revolting breaches of faith and witness daily and constantly the violation, by the outs, of the tenth commandment, which forbids coveteousness, to say nothing of the repeated violations by the ins, of the eighth commandment, forbidding theft. Sir,

"Vice is a monster of so frightful mien,
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace."

These few lines of Pope, an inspired truth, have merited and received the approbation of the clergy, statesmen and philanthropists until they have become household words and are everywhere received as axiomatic truth. Then, sir, the position assumed in respect to this matter by the gentlemen who advocate the policy of female suffrage is most clearly wrong, in this regard, or statesman and clergyman have been grossly at fault in approving the sentiment contained in the lines above quoted. But, sir, they are not at fault. All experience shows that they are right, and that, in this particular, the friends of female suffrage are mistaken in this regard. We, sir, would remove temptation from our daughters, wives and mothers. We, sir, would impose upon them no burdens and no political duties which may be enforced by fines, penalties and forfeitures and even by indictment, trial, conviction, fine and imprisonment. The franchise once conferred, the exercise of it may be compelled by all these modes, and it is a mere accident that it is not so compelled. It might be so ordered by any future legislation should the public good or legislative caprice require it

I will not now pause to read the records of conviction under a statute like the one indicated above I read from the statutes of Virginia, revision of 1819. At that time no one was a voter in that state excepting the property holder and holder of real estate.

Any elector, qualified according to this act, failing to attend any annual election of delegates, or of a senator, and if a poll be taken, to give, or offer to give his vote, shall pay one-fourth of his portion of all such levies and taxes as shall be assessed and levied in his county the ensuing year; and for discovering such defaulters, the sheriff or other officer taking the poll shall, within ten days after the said election, deliver to the clerk of the county, or corporation court, as the case may be, a copy of the poll by him taken, to be kept in his office, who shall suffer any candidate or elector to take a copy thereof, and the said clerk is hereby directed to cause a copy of the same to be delivered to the next grand jury, to be sworn for the county or corporation, who shall be charged by the presiding magistrate to make presentment of all such persons qualified to vote, residing in the said county or corporation, who shall have failed to have given their votes at the said election agreeably to law. And for the better information of the said jury, the sheriff of the county is hereby commanded, under the penalty of one hundred and sixty-six dollars sixty-six cents, to be recovered and appropriated as the penalties for other neglects of his duty, to lay before them a list of all the landholders resident therein.

This statute was first enacted in 1798, was again reenacted in 1819, and was most rigidly enforced up to the time of the rebellion.

But, sir, it is said woman is governed without her consent; or, in other words, in respect to her the government does not derive its just powers from the consent of the gov-

erned. Is this assertion practically true or true in theory? Let us imagine seventy-five thousand men and seventy-five thousand women, and that they are the first settlers of the state, that each of them is married, that each couple has three children, and that there are seventy-five thousand children two years of age, seventy-five thousand four years of age, and seventy-five thousand six years of age. This community meet upon the broad prairies and in general assembly take counsel among themselves what shall be the order of government and in whom political power and political capacity shall be vested; and, after each mother has been heard, in separate assembly, and none have taken counsel of their prejudices and none of their ambition, but all in prayerful solicitude have taken counsel of reason, of nature, and of nature's god, the committee from the assembly of women report as follows: "Believing in the ability of our husbands to make such provisions of governmental law as shall best protect and shield us, whom they have sworn at the altar to love, honor and cherish, and their desire to build about their homes a bulwark of safety for ourselves and our offspring; and also, fully realizing the importance of our own sphere of action and the multitude of daily duties devolving upon us, we most cheerfully and gracefully yield the ballot box, with all its train of honor or dishonor, pleasure or pain, peace or war, to the sturdy sons of earth whose names we proudly wear; and most grateful are we to be relieved of this onerous duty. The multitude of cares constantly accumulating in the advancement of society, the culture and education of our children, our duties to the sick and afflicted, and also, so far as we are able, to make smooth the rough places in life, bind up the broken-hearted and relieve those in want and distress——Besides, over and above all this, we have taken counsel of our natures, our reason, our intuition and of the source of all wisdom, and this is our commission unto you.

"So, from the first, eternal order ran,
And, creature linked to creature, man to man.
Whate'er of life all quickening ether keeps,
Or breathes through air, or shoots beneath the deeps,
Or pours profuse on earth, one nature feeds
The vital flame and swells the genial seeds.
Not man alone, but all that roam the wood,
Or wing the sky, or roll along the flood,
Each loves itself, but not itself alone;
Each sex desires alike till two are one.
Nor ends the pleasure with the fierce embrace:
They love themselves a third time in their race.
Thus beast and bird their common charge attend,
The mothers nurse it and the sires defend..."

We therefore look to you for the necessary laws for our defense, our protection and happiness, and we must respectfully decline all participation in the affairs of the civil state. Before closing this report it is proper to state that recently much discord and discussion have been caused in our community by the publication and

circulation of various printed documents and newspapers in our midst, and by a class of restless, disaffected, discontented and ambitious women in our community. There are some good women and mothers, however, who think we ought to participate in the political administration and affairs of government, but a very large majority of our assembly think that to comply with their request would endanger the social fabric, plant the seeds of vice and discord, engender political ambitions and aspirations, and eventually involve us and our children, as well as our husbands, and those who may hereafter join our community, in great danger, if not in common ruin; and we therefore pray that we may be discharged and released from any and all cares or solicitude in respect to the civil government of the state, and that you provide for the community all such needful rules and regulations as wisdom shall dictate.

All of which is respectfully submitted."

This report is seconded by the husbands of these mothers and adopted, and the society is ordered as requested by the women. Is not this then their government? and are not they—the women—as fully and thoroughly represented as the male portion of said community? And is not this, in truth and in fact, the condition of affairs as they actually exist? I think it is. There is not today in Nebraska one woman in five, and I think not one in ten, who wants or desires this change, and five mothers, at least, out of every six, take the state at large, protest against this innovation and violation of God's ordinances; and, sir, it is on their behalf that I lift my voice against the proposed innovation upon the old rule. But, sir, I am told that it is a cardinal principle in government that there should be no taxation without representation. Admit this proposition to be true, which is not so to its fullest extent, and is not woman represented as I have shown by her own chosen and elected representatives? Will my gallant friend from Douglas, General Manderson, insist upon the rescission of the vote by which the report of the ladies, as stated before, was adopted? Will he—will any gentleman upon this floor insist upon vesting the suffrage in woman when more than five-sixths of the whole are protesting against it, and but very few desire it? And where is the son upon this floor that will deny the request of his mother in this regard? If there be one, that mother may aptly reply,

"How sharper than a serpent's
tooth it is
To have a thankless child!"

Or musing to herself, may utter,

"If there be a crime
Of deeper dye than all the guilty
train
Of human vices, 'tis ingratitude."

Now, sir, as to the right of franchise. What is it? and from what source is it derived? It is not a natural right, and is not, strictly speaking, a civil right. It is a political right. Rights are sometimes divided into natural and civil rights; but as all the rights which

man has received from nature have been modified and acquired anew from the civil law, it is more proper when considering their object to divide them into political and civil rights.

Political rights consist in the power to participate, directly or indirectly, in the establishment or management of government. These political rights are fixed by the constitution. With us, every citizen possessing the requisite qualifications has the right of voting for public officers and of being elected, as these are political rights and should properly be defined in the constitution. Civil rights are those which have no relation to the establishment, support or management of government. These consist of the power of acquiring and enjoying property, of exercising the paternal and marital powers, and the like. It will be observed that every one, unless deprived of them by sentence of civil death, is in the enjoyment of his civil rights, which is not the case with political rights; for an alien has no political rights, although in the full enjoyment of his civil rights. These latter rights are usually divided into absolute and relative. The absolute rights of mankind may be reduced to three principal or primary articles. The right of personal security, which consists in a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health and his reputation; the right of personal liberty, which consists in the power of locomotion, of changing situation or removing one's person to whatsoever place one's inclination may direct, without any restraint, unless by due course of law; the right of property, which consists in the free use, enjoyment and disposal of all his acquisitions, without any control or diminution, save only by the law of the land. We have here determined what is a political right and what a civil right, and found that the franchise is a political right. Let us consider this question with respect to the fourteenth and fifteenth amendments and see whether these amendments, or either of them, recognize woman's political right to vote.

I use the word recognize so as not to wound the sensitive feelings of the very gallant gentlemen who argue the other side of this cause, so they may gather what consolation there is to be had from the use of the word recognize instead of vest. I hold that political rights are given or withheld as seems best for those who frame the fundamental law—that there is no such thing as a natural or inherent right to vote or hold office. These are purely political rights. We will now briefly consider the fourteenth and fifteenth amendments. (Here the speaker appears to have "read from opinions."—Ed.)

Mr. Chairman, what legal interpretation is this which can so pervert judgment as to claim that the fourteenth amendment in any way relates to political rights and the denial thereof, when the second section especially recognized the authority of states to withhold political rights from any class of citizens, and provides that if any state shall exercise such authority the population so disfranchised shall not be counted

in fixing the representation in congress of such state

Then, sir, we, by logical deduction, arrive at the conclusion that the proposed innovation finds no support in the fourteenth and fifteenth amendments to the federal constitution, and that the change is not required to conform our fundamental law to nature's ordinances, but, on the contrary, in nature's great plan the mothers nurse and bind up, purify and elevate, and the sires defend, and in nature's state there is no blindness, no erring reason, but the state of nature is the sovereign reign and government of God

And let none claim that in reaching this conclusion we admit or assert the superiority of man over woman We do not do this, but, on the contrary, as that devotion and heroism which rescues the wounded, cheers and comforts the dying with gentle ministrations, which labors in hospitals and flies to the rescue of suffering humanity, organizes great charities, is higher and loftier than mere brute courage on the battlefield so her merciful and angelic ministrations surpass man's best and noblest efforts God in his mercy forbid that we should tarnish her true glory with mist of political discord or the mildew of political ambition Palsied be the arm and paralyzed the tongue that would knowingly tarnish her glory or restrict the liberty of her citizens (?)

It now remains to consider the effect of the fourteenth and fifteenth amendments upon the question now under discussion In construing the fourteenth and fifteenth amendments to the federal constitution we are to consider how the law of the various states and the federal government stood at the time of submitting those amendments, what the mischief was for which the constitution had failed to provide, and so construe these amendments as to suppress the mischief and advance the remedy. It is the duty of the courts and of this convention to make such construction of remedial enactments as shall suppress the mischief and advance the remedy, putting aside subtle inventions and evasions, and adding force and life to the remedy according to the true interest of the maker of these amendments, pro bono publico. Applying these well settled principles in the construction of these amendments, what political rights of men are fully recognized and the states of the union forbidden to withhold, and is the capacity to exercise the franchise recognized? For it is a political capacity of great responsibility, and vast importance, possessing which the citizen is liable to be called upon to establish the rights, to estimate the injuries, to weigh the accusations, and dispose of the property, liberty and lives of their [his] fellow citizens by serving upon juries The first section of the fourteenth amendment defines who are citizens of the United States, and says "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States, and of the state wherein they reside." "All persons," this includes males and females of

what kind of character is stamped upon those who frequent that city.

Tell me which son of Nebraska that cherishes her holy name would stamp his daughter with such a character? And if none of you would do this, do you stand up and tell me there is no danger in opening this floodgate of poison upon the social purity of Nebraska? Stay! ere the wrong be consummated; ere this great fountain of social purity, a mother's abounding love and the sanctity of home, be torn away; ere you put the dagger to its heart, pause, and reflect! Be it known, we would withhold no right, for no right in the ———— is involved. We so order this temple of government as to promote the greatest and the soundest security to the whole. How shall we accomplish this? Who can teach like the woman? Who can mold the plastic mind of childhood like her? And she comes not with the commanding power and the deep bass voice of man, threatening to destroy. She comes in the holy accents of persuading tone, touching the heart of youth and educating it up until her thoughts are burned into the very policies of government and her character written there as it never could be written was her voice to be heard in the political harangues or in the administration of justice. But, sir, I will be told, in the course of this discussion and upon the appeals to her, that this great crime, the retailing of poisonous liquors, which carries over 60,000 annually to the grave, would be swept away; and have been told that that other accompaniment, with its nameless crime, would be wiped out forever. Today justice and law stands trembling in the very presence of crime in the first city of our land, with a drawn scepter to drive back its ministers, even on the Sabbath day. Then your lawmaking power is far in advance of your law-executing power. And who, sir, would make woman the instrument of execution of your laws? He who would do it would trail her sacred garments of purity, with which she has robed the earth with angelic beauty, would trail them in the dust; hence this argument falls to the ground.

I think, Mr. President, I have briefly reviewed all the arguments that have been urged in favor of what is called the enfranchisement of woman. With these views may I not claim the concurrence of those whom I have the honor to represent on this floor? May I not be permitted to point, in the interest of one Christian mother of this state, to this as the dawning degradation of woman? Is it true that you have found the panacea that is to cure all the dreadful evils of society? Not so. In conclusion, Mr. President, let me say it is the duty of this constitutional convention to define political rights: for their home is the fundamental law; and I think they may be enabled, like Banquo's ghost, to stand forever to accuse us because we————

Mr. President, if there is one man above another, on this floor, that is interested in the solution of this vexed question, it is myself; for, fortunately, my boys are all girls; and, if it is to prove a blessing,

I ought to stand here and support it But, having taken counsel with those with whom I am associated in my home and believing that it brings no happiness to home for the mother and daughter —into the depths of political ambition, I enter my protest against it

Mr MYERS Mr President, I am free to confess that at one time the question of conferring the ballot on the women of our country, or at least upon the women of our state, seemed to me both proper and expedient The [illegible] as strongly presented by intelligent and cultivated women, in various parts of the country especially in the East and while it was no more than courteous to them to give their cause a patient hearing, and, indeed favorable consideration, yet, for a period of twenty years, the advocates of woman suffrage have made very little if any, potent impression on the public mind, in the East very little indeed The speakers have not increased to any marked degree In a great cause their number ought by this time, to be legion But in looking over the list of female advocates on the stump or elsewhere, we find the same stereotyped faces, the same voices and the same arguments without change addition, or improvement that sprung into life, such as it is twenty years ago We find Mrs Mott, worn out in the great cause of antislavery agitation leading her strong influence to this new claim upon humanity, justice and right Anna Dickinson draws her trenchant blade like the maid of Orleans, to lead her host of strong minded women to the peaceful victories of the ballot box, and, far in advance of them all, stands the familiar and burly form of Mrs Cady Stanton, who sounds the tocsin for the advance in strong cadence proclaiming woman's superiority over man Then there follow a few more of equal respectability who have sought to create public opinion in support of their peculiar views He would be less than human who would fail to yield to these our country women a fair and impartial hearing. We have done so these memorials have been courteously received by the legislature of last winter, and, by a solemn vote, their petition was referred to the consideration of this convention At that time I thought they had made out a strong case and I for one, was strongly impressed with the justice of their demand, but having no potential voice in the matter as the convention [legislature?] was utterly without power to act in the matter, one way or the other, and for this reason the subject was dismissed for other and more available subjects then pressing upon the attention of the legislature But sir, times have changed and a different state of affairs exists, presenting the question broadly for our consideration and action We must now face the question in its length and breadth in a manner that will decide it one way or the other in this state. Let us, therefore, pause and reflect upon what we contemplate doing I am unwilling to assume the responsibility without an expression of opinion from the people I trust them fully and freely with the decision of the question.

and have entire confidence in the judgment and patriotism of the electors. Therefore, I am in favor of this section submitting the question of female suffrage to them. At the same time, sir, I have doubts as to the propriety of granting to women the ballot, raised in my mind by more mature reflection than I have heretofore given to the subject. I shall only hastily glance at some of the reasons that control me in opposing female suffrage, and not occupy the time of the convention in argument upon the subject, which I hope will be decided by another tribunal and more fully discussed there by the people themselves. Then, permit me to say, first and foremost, that woman enjoys more freedom, more consideration, and more happiness, individually and collectively, under a republican form of government, than she does under any other on the face of the earth. In no other country have the rights of women been more liberally and more firmly established than in this. Will the right of voting increase her attainments in this respect? If it does not do this it ought not to be granted. Now what do the women themselves say on this point? Let us hear both sides, and then decide justly. The advocates of female suffrage have presented their memorial here in reference to their side of the question. Now let the opposite side be heard. I have before me the memorial of ladies opposed to female suffrage, and ask the attention of the convention while I read it, as follows:

To the congress of the United States, protesting against an extension of suffrage to women:

We, the undersigned, do hereby appeal to your honorable body, and desire respectfully to enter our protest against an extension of suffrage to women; and in the firm belief that our petition represents the sober convictions of the majority of the women of the country.

Although we shrink from the notoriety of the public eye, yet we are too deeply and painfully impressed by the grave perils which threaten our peace and happiness in these proposed changes in our civil and political rights longer to remain silent.

Because holy scripture inculcates a different, and for us higher sphere, apart from public life.

Because, as women, we find a full measure of duties, cares, and responsibilities devolving upon us, and we are therefore unwilling to bear other and heavier burdens, and those unsuited to our physical organization.

Because we hold that an extension of suffrage would be adverse to the interests of the working women of the country, with whom we heartily sympathize.

Because these changes must introduce a fruitful element of discord in the existing marriage relation, which would tend to the infinite detriment of children, and increase the already alarming prevalence of divorce throughout the land.

Because no general law, affecting the condition of all women, should be framed to meet exceptional discontent.

For these, and many more reasons do we beg of your wisdom that no law extending suffrage to women may be passed, as the passage of such a law would be fraught with danger so grave to the general order of the country.

Now, sir, there are many strong points in this memorial. The holy scripture, for the first time invoked

in this body in directing our minds for the proper solution of the question, is of paramount importance The mission of woman is for a higher sphere than competition and conflict with man in affairs of government and far very far indeed, apart from public life As women, they have peculiar duties to perform in the household economy of every family Here is her empire, and here she shines in true womanhood, more than she will [she ne] or ever has shone in any other department of life Her duties are well defined prescribed honored and sanctified in the holy scriptures Here perfect freedom is guaranteed to her The rearing of her family is peculiarly her province Sir, "The mother makes the man" is a truism the world over and through all time Her responsibilities are truly great commanding, felt in every walk of life and in every department of human progress Now why will the effort be made to force woman, in whole or in part, from the sphere of life for which she is adapted solely, by the wisdom the knowledge and the mercy to man, of the author of every good and perfect gift, who has wisely alloted to her special duties in human economy which no man can perform? I do not believe that the right of suffrage is inherent in either sex It was wrested from power and tyranny and exercised by the people by the power of the bayonet, and is maintained only by that power In Europe the bayonets are arrayed against manhood suffrage. Bayonets and ballots are one and indivisible, because the one cannot exist without the support of the other If woman votes she must also fight The state then will know no distinction; because the dividing line between the protected and the protector [is] dissipated, broken down, and woman must as a consequence, take her part, to the neglect and destruction of every other duty, and take her position in the battles of the state If she assumes the direction of affairs of state, she must also shoulder every part of its responsibilities, in peace and in war They cannot all be nurses then. But man has become so debased by breaking down this barrier between the sexes as to insist that woman shall perform his work, in equal share with his own, and, in the struggle thus created, neither man nor woman can be benefitted and both, perhaps, irreparably injured, at least until a returning sense of duty shall again induce to habits and principles in force since the world began

Now, sir, Jefferson is proclaimed here as recognizing woman's suffrage in the declaration of independence, when it is asserted that "all men are created free" and that this language includes and embraces women, in a political point of view It is claimed that this term of men and persons the one by Jefferson, and the other in the fourteenth and fifteenth amendments to the constitution of the United States, includes women and confers upon woman the right of suffrage. If this could be successfully proved from either one or both of these authorities, so strongly relied upon, there would be an end to the question at once, and

before this late hour of the day. If that had been the construction placed upon this part of the declaration, the right of woman to vote would have been coeval with the signing of that great document. This question would have been settled then and there, and, coming from the great fathers and founders of the republic, would have been stated in clear, unequivocal and distinct language, in such langauge, indeed, as they have employed in expressing everything and every principle that was either written or uttered by them. If they meant to confer on women the ballot, they would have said so. But, sir, they did not mean it; and no amount of sophistry and distortion will convince me to the contrary. And, sir, in searching through all the works of Jefferson, Madison, Franklin, Adams, and other lights of that period—and the subject was fully discussed—we fail to find any allusion, direct or indirect, to women, as suffragists. But we find every grade and species of disability as to men fully discussed and decided, and decided, too, by them, as we find it in the constitution of the United States, and this has no departure in it by any of the states, and only by one territory, recently, which even they are ready to abandon. Finding nothing in the affirmative, as to the right of women to vote, can we produce anything in the negative? I think it can be done, which, taken in connection with the total silence of the early fathers as to the right of women to vote, we may take it as certain, with their opposite declarations, and positive action as to who shall vote, that it was never intended to confer suffrage on any class but men, native and naturalized, and of the proper age. That is all, sir. I think it is conclusive, so far as the fathers are concerned. Mr. Jefferson, in a letter written in 1824, [Aprl. 19] uses this remarkable language, and permit me to say that, so far was female suffrage from his mind at that time, even here, it is classed as impossibility in the illustration of the point he was then defining. He says:

"However nature may by mental or physical disqualifications have marked infants and the weaker sex for the protection, rather than the direction of government, yet among the men who either pay or fight for their country, no line of right can be drawn. The exclusion of a majority of our freemen from the right of representation is merely arbitrary, and an usurpation of the minority over the majority..."

If women are classed, on the score of physical disability, with infants and these are in the peculiar care of the mother, as she is herself in the care and protection of the stronger sex, this right to take part in the direction of the government is not, I am certain, embraced in the closing sentence of this extract, as a usurpation of the minority in excluding women from the ballot.

Such a vagary as female suffrage, it seems to me, from a careful examination of the subject, never entered into the deliberations of the continental congress or of the statesmen who framed the constitution of the United States; nor of any of the states of this union; and I venture to say that a more perfect form

of government has never been devised by the genius of man in any other age or country. Under it, for nearly a century, this people has enjoyed the fullest freedom, unbounded prosperity, without let or hindrance, molestation or abridgment, such as other less favored people have endured under the oppressions of kingly power and tyranny. We have passed safely through the foreign wars, and a civil war, originating in the interest of slavery, yet the institutions created by our illustrious ancestors are unshaken, stronger as they grow older, and destined to live in purity as a great republic, until the crack of doom and the crush of worlds shall, if that thing ever comes, send all things together into space. That is my faith in the right. Error dies, truth and right live forever. Now, then, have we been unfaithful to truth and right in the face of all that has been done when we cannot exactly see the propriety of investing our mothers, sisters, and other female friends with the right of the ballot? I do not think that Washington, Jefferson, Penn, and other lawmakers did crime, of omission at least, in failing to recognize woman's right to equal share in affairs of government. It is to be regretted that this question did not arise in their day. Or was it so remote in their thoughts, instead, an innovation on the received opinions of mankind as not to be thought of? This would seem to be the fact. They had ransacked every form of government known to history as a model for our own, and in not one of them did they find the shadow of an idea that pointed to the introduction of women as copartners in the management of the government. Nor does history furnish an example where women were admitted to any of the deliberations of senates of olden time, the records of which and the actors therein are so familiar to all readers of history. This is true as to sacred and profane deliberative bodies. In modern history the fact is the same. While the men were "riding in the whirlwind and governing the storm"[1] in this nether world, the women were not idle. They had duties to perform and responsibilities of equal weight resting upon them, and they were true to their mission. They had charge of the youth of the state, to mold the mind in the paths of virtue, honor and patriotism. These were the jewels the Roman women nourished and cherished, and this is the race of heroes born in our country, who carried our flag through shot and shell on many bloody battle fields, to save the life of the nation. The women performed their appropriate part in the sanguinary struggle nobly, heroically, and in a place where most needed and effective; not in the ranks, on the battle field, but in the presence of the sick and the dying. There her true nobility was gladly recognized and rewarded by all good men; and although her laurels are not as brill-

[1] Clearly it would have been better to omit quotation marks from these lines, and therefore misleading attempts at quotation. The speaker doubtless had in mind the line in Pope's Dunciad:

"Rides in the whirlwind and directs the storm."

But he was ignorant of its proper wording, and too careless to supply it. ED.

ish [diminution] thereof; secondly, the right of every citizen, as I have before stated, to be, by the electoral department, adequately represented. Now, these are the only rights connected with suffrage; and it is for us to determine whether our constitution will be better with or without the second section. It occurs to me that it will not. There is a large class of our citizens who are intelligent, industrious, possessing large landed estates in many instances, as well as thousands of dollars in chattel property; citizens who pay taxes; citizens who are in every respect amenable to the civil and criminal laws of the land, from which class not one of the electoral department of the government is taken; citizens who have as near and dear interests in the establishment and management of the government as that class from whom the electors are now chosen. Gentlemen, shall this class, constituting one-half of our whole population—the females of our state—be enfranchised as the males are, to the extent that they may be admitted to the electoral department of the government? The honorable gentleman from Otoe (Mr. Mason) objects to such enfrachisement, and gives, as [among] other reasons, that it will be not only damaging to females, but also to the body politic, to the whole people. I desire to reply, first, to the latter part of this objection. From the time that kings first claimed that they held the tenure of their kingly power by divine right, to the present time, every attempt to admit others to participate in the management of the government than those then in power, the objection of the gentleman from Otoe has been urged against it. Kings opposed; but those near the throne, seeing that the so-called divine right was more their own fealty to their king than the hedge of power, claimed by divinity, to encompass the throne, insisted on participating in the management of the government until they were admitted as lords, ministers, and other functionaries. Next, as in England, for example, a wholesome discontent arose in another class clamoring to participate in the government, the same objection was urged; but, notwithstanding, a class became participants in the government who are represented by the house of commons. Next, we find in America the same objection urged against a class known as the citizen of African descent; but, notwithstanding, they were admitted to become electors. And so it is, Mr. President, we now find it urged against a most worthy and intelligent class of our citizens; but, sir, the history of the past augurs most favorably for the future; and, as certain as time shall come and pass, this class shall, and will be permitted as electors to give themselves a fair and adequate representation in the management of the government.

Mr. STEVENSON. I move we adjourn.

The motion was agreed to and the convention, at ten o'clock adjourned.

FORTY-FOURTH DAY

Tuesday, August 15, 1871.

The convention met at eight o'clock and was called to order by the president.

Prayer.

Prayer was offered by the chaplain, as follows:

Almighty and all wise God, help us today. Teach us and save us this day. Bless all the people. May we be glad, because of the glory of God. May we desire to see Thy will done everywhere, even everywhere, the wide world over. Amen.

Reading of the Journal.

The journal of the last day's proceedings was read and approved.

Leave of Absence.

Mr. KIRKPATRICK. I desire to ask leave of absence for my colleague, Mr. Kenaston, until two o'clock this afternoon.

Leave granted.

Rights of Suffrage.

Mr. BALLARD. I move that the convention now take up for consideration the report of the committee on rights of suffrage.

The motion was agreed to.

The PRESIDENT. The question is now, gentlemen, upon striking out section 2.

Mr. VIFQUAIN. I move the previous question,

Mr. MANDERSON. I move a call of the house.

The PRESIDENT. The previous question being demanded, the question is, shall the main question be now put?

Mr. HASCALL. As several gentlemen have spoken I hope that others will be allowed to speak for a few minutes. We can take this up this evening.

Mr. MASON. I hope, since I, and several other gentlemen, have had the courtesy extended to us of expressing our views upon this subject, that we will permit others a like courtesy.

The convention divided and the call for the main question was agreed to.

Mr. STEWART. I demand the ayes and nays.

Mr. MANDERSON. I now move a call of the house. I think it is in order

The PRESIDENT. That is not in order.

The secretary proceeded to call the roll.

Mr. MASON, when his name was called. Mr. President, I desire to explain. I do not believe, sir, in this sort of proceeding. Had this question been fully considered I should have voted to strike out; but, where a judgment of this kind is sought to be taken, I vote no.

Mr. MANDERSON, when his name was called. Mr. President, I do not choose to vote unless compelled to vote by this convention. (Vote! Vote!) Then I vote aye, for the purpose of reconsidering the vote and relieve ourselves of such traps as this.

Mr. PHILPOTT, when his name was called. If the gentleman from Douglas (Mr. Manderson) had not voted aye I would for the same reason. But now I will vote no.

Mr. WAKELEY, when his name was called. Mr. President, I very much regret that the previous ques-

tion has been ordered; that this vote is being taken without a call of the house. But, at the same time, I must vote my opinions upon this question, and I vote aye.

The president announced the result, ayes 23, nays 10, as follows:

YEAS.

Abbott,	Stewart,
Ballard,	Sprague,
Boyd,	Scofield,
Campbell,	Thomas,
Gibbs,	Thummel,
Granger,	Tisdel,
Gray,	Towle,
Griggs,	Vifquain,
Manderson,	Wakeley,
Newsom,	Weaver,
Parchen,	Wilson.—23.
Stevenson,	

NAYS.

Hascall,	Majors,
Kenaston,	Mason,
Kilburn,	Myers,
Kirkpatrick,	Philpott,
Lyon,	Shaff.—10.

ABSENT AND NOT VOTING.

Curtis,	McCann,
Cassell,	Neligh,
Eaton,	Parker,
Estabrook,	Price,
Grenell,	Reynolds,
Hinman,	Robinson,
Lake,	Speice,
Ley,	Woolworth,
Maxwell,	Mr. President.—19
Moore,	

So the motion to strike out was agreed to.

Call of the House.

Mr. MANDERSON. Mr. President, I move a call of the house.

The secretary proceeded to call the roll, which resulted, present 35, absent 17, as follows:

PRESENT.

Abbott,	Parchen,
Ballard,	Philpott,
Boyd,	Reynolds,
Campbell,	Stevenson,
Estabrook,	Stewart,
Gibbs,	Sprague,
Granger,	Scofield,
Gray,	Shaff,
Griggs,	Thomas,
Hascall,	Thummel,
Kenaston,	Tisdel,
Kilburn,	Towle,
Kirkpatrick,	Vifquain,
Lyon,	Wakeley,
Majors,	Weaver,
Manderson,	Wilson,
Myers,	Mr. President.—35
Newsom,	

ABSENT.

Curtis,	Moore,
Eaton,	McCann,
Grenell,	Neligh,
Hinman,	Parker,
Lake,	Price,
Ley,	Robinson,
Mason,	Speice,
Maxwell,	Woolworth.—17

Mr. STEWART. Mr. President, I move that all further proceedings under the call of the house be dispensed with.

Mr. MANDERSON. Mr. President, I hope the motion will not prevail, and I think it is time that absentees should be sent for. These are the important days of the convention, and they should be here.

The PRESIDENT. The question is upon the motion to dispense with further proceedings under call of the house.

The convention divided, and the motion was not agreed to.

Mr. MANDERSON. Mr. President, I move that the sergeant at arms be dispatched after absentees.

The PRESIDENT. The question is upon the motion to dispatch the sergeant at arms after absentees.

The motion was agreed to.

The sergeant at arms was furnished with a list of the names of absentees.

Mr STEWART Mr President, I move that all further proceedings under call of the house be dispensed with

The PRESIDENT. The question is upon the motion of the gentleman from Pawnee (Mr Stewart)

Mr MANDERSON Mr. President, I think that the motion is out of order Does the president decide that it is in order?

The PRESIDENT Yes sir

Mr MANDERSON Then I appeal from the decision of the chair Nothing can be done further, while under call of the house, until the sergeant at arms makes report

Mr MASON Mr President, in respect to this matter under consideration a majority of the house may believe that this proposition is not a wise one All that is very well, but if gentlemen suppose that the cause which I advocate with them is to be advanced by attempting to stifle debate, they will find that they are mistaken It is like trying to win a battle with cowards Call to your minds the recollections of the last twenty years. Many of the leading men of the country resolved that agitation of the slavery question should cease, but men would discuss that question and their decrees were in vain

And what I say, Mr President, is this, that if we hold the right on this question, let us challenge discussion and meet the opposition I, for one am in favor of giving this and every principle a fair hearing It is not a waste of time that sows the seed of truth in the brain And say what you will you but aid the cause you seek to depose the very instant you seek to suppres discussion It is on this point that I ask this convention to hear these gentlemen in what they have to say. If we are right, we should not strive to stifle discussion. Whatever may be the order of the house in regard to the ruling of the chair, I do hope that we will hear this question through. I am not one of those who think it is time lost. Time lost? I suppose that eighteen hundred years ago, when the lone preacher stood in the temple, the scribes and Pharisees cried, "Time lost" and treason preached I hope we will so far go back as to allow this discussion to go on. I know of men who have prepared arguments on this question

Mr BALLARD I would like to know why this question should have more time than any other question in this convention

Mr ESTABROOK Let me answer that sir The answer is in the packed galleries we have when the question is discussed

Mr. MASON. I think I can tell. Because it proposes an innovation I used to hear on the other question, when it was nigger for breakfast, nigger for dinner, nigger for supper, and nigger for a bedfellow, until the nigger got his rights

Mr SPRAGUE Mr President, I will make a proposition: let this matter go on and be engrossed, and then, if some one wants to discuss this question they can introduce it as a separate proposition, and discuss it this evening

Mr HASCALL I am inclined to believe the ruling of the chair is cor-

rect and shall vote to sustain it.

The PRESIDENT. Shall the decision of the chair be sustained?

The yeas and nays were demanded.

The secretary called the roll and the president announced the result, yeas 34, nays 4, as follows:

YEAS

Abbott,	Newsom,
Ballard,	Parchen,
Boyd,	Philpott,
Campbell,	Reynolds,
Cassell,	Stevenson,
Gibbs,	Stewart,
Granger,	Sprague,
Gray,	Scofield,
Griggs,	Shaff,
Hascall,	Thomas,
Kenaston,	Thummel,
Kirkpatrick,	Tisdel,
Lyon,	Towle,
Majors,	Vifquain,
Mason,	Wakeley,
Moore,	Wilson,
Myers,	Woolworth.—34

NAYS.

Estabrook,	Manderson,
Kilburn,	Weaver.—4

ABSENT OR NOT VOTING.

Curtis,	McCann,
Eaton,	Neligh,
Grenell,	Parker,
Hinman,	Price,
Lake,	Robinson,
Ley,	Speice,
Maxwell,	Mr. President.—14

So the decision of the chair was sustained and further proceedings under call of the house dispensed with.

Mr. MANDERSON. Mr. President, I move we adjourn until two o'clock.

The yeas and nays were demanded.

The secretary called the roll, and the president announced the result, yeas 5, nays 34, as follows:

YEAS.

Estabrook,	Philpott,
Hascall,	Weaver.—5.
Manderson,	

NAYS.

Abbott,	Newsom,
Ballard,	Parchen,
Boyd,	Reynolds,
Campbell,	Robinson,
Cassell,	Stevenson,
Gibbs,	Stewart,
Granger,	Sprague,
Gray,	Scofield,
Griggs,	Shaff,
Kenaston,	Thomas,
Kilburn,	Thummel,
Kirkpatrick,	Tisdel,
Lyon,	Towle,
Majors,	Vifquain,
Mason,	Wakeley,
Moore,	Wilson,
Myers,	Woolworth.—34.

ABSENT, OR NOT VOTING.

Curtis,	McCann,
Eaton,	Neligh,
Grenell,	Parker,
Hinman,	Price,
Lake,	Speice,
Ley,	Mr. President.—13
Maxwell,	

So the motion to adjourn was not agreed to.

Mr. NEWSOM. Mr. President, I move to reconsider the motion by which that section was stricken out.

Mr. MANDERSON. I wish to amend, that the vote be postponed until eight o'clock this evening.

The PRESIDENT. The motion to reconsider has precedence.

Mr. MANDERSON. I move to postpone to reconsider until this evening.

The PRESIDENT. You cannot do that.

Mr. MANDERSON. I can do it a thousand times if I want to.

Mr. MASON. I now move to lay the motion of Mr. Manderson, to post-

pone until eight o'clock this evening, on the table.

The PRESIDENT. Rule 34 says:

When a question has been once put and carried in the affirmative or negative, it shall be in order for a member of the majority to move for a reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the expiration of two business days. Such motion shall take precedence of all other questions, except a motion to adjourn.

Mr. NEWSOM. Now, Mr. President, is it right for my colleague, (Judge Mason) to move to amend?

The PRESIDENT. In all parliamentary law that would be the law, but it is not in our rules. I am compelled to obey our rules.

Mr. ESTABROOK. Which is the rule the president refers to?

"Question! Question! Question!"

Mr. ESTABROOK. Oh, yes! You choke me down. I appeal from the decision of the chair.

The PRESIDENT. Shall the decision of the chair be sustained?

The motion was agreed to.

Mr. ESTABROOK. I appeal from the decision of the house, and demand the ayes and nays.

Mr. BALLARD. I do hope the reporters will write here, "Ridiculous! Ridiculous! Ridiculous!"

The PRESIDENT. The question is upon reconsidering the vote by which the section was stricken out.

Mr. HASCALL. I move to adjourn until one o'clock and demand the ayes and noes.

The PRESIDENT. That is not in order.

Mr. MASON. I desire to say, let us vote down the motion to reconsider, and then, for the friends of this measure, I hold in my hand a proposition which I will offer, which will open up this field once again. There is no necessity for this species of generalship.

The PRESIDENT. The motion to reconsider is in order.

Mr. MANDERSON. I have received, with other gentlemen, some censure for this parliamentary generalship, but I wished merely to show to certain gentlemen that it was no way to save time to attempt to choke down debate upon this question. As I understand it, the question is to reconsider the vote by which section 2 was stricken out. I hope that motion will prevail, and that we will proceed to a reconsideration of that question, and I give notice to gentlemen that until we get this proposition on female suffrage in some debatable form, so that its friends and others can speak, we will filibuster until the last moment.

Mr. WILSON. This idea of some of these gentlemen from Douglas county coming here and spending three hours and twenty minutes in a single speech upon one question is too much for me, especially when one of those same gentlemen prescribes a mustard plaster for others. (Laughter.) I consider they are making a set of fools of themselves here, instead of attending to their business. (Laughter.) I will not sit here and listen to these bags of gas. (Laughter.) If these reporters were not here, there would not be one-half as much said, or if you bring this question up in the daytime, when

there is not so much eye-rolling in the gallery, there would be nothing said. (Laughter.) I was perfectly willing to go to work and abide by the rule of this house. Every soul here might speak fifteen minutes, but the idea of occupying three hours and twenty minutes with one speech is like a song with ninety-nine verses in, all alike. It puts me out of humor. (Laughter.) I hope, if you will reconsider this, that each man will be restricted to the time.

Mr. HASCALL. As the gentleman from Johnson (Mr. Wilson) has discussed a question not before the house, I wish to discuss one that is, the motion to adjourn until a time certain, one o'clock.

The PRESIDENT. That is not in order.

Mr. HASCALL. Then I wish to be heard more than ever. The reason I desire an adjournment is, I thought it would bring us out of this difficulty. The apportionment committee would meet and we could consider that article; and there are other committees who could do valuable work, and we would lose no time. As this is a question of reconsideration I hope gentlemen will look at it in its true light. No one has been more uniform in sustaining the consideration of propositions that were adverse to themselves than myself. If a proposition had supporters and advocates, and was one of the questions of the times, and about which the sentiment in the state differed, I have invariably been in favor of giving it a fair consideration. If we submit this proposition separately to the male voters and they decide against it, that settles it. There may be some gentlemen here who have wives at home, who are afraid that this agitation will place their wives in rebellion against them, and place themselves in a peculiar position at home. Now, I think they should be braver than that, and not be afraid.

Now, I don't think that they ought to go upon that theory. They ought to face the music. They ought to consider that they and their wives are intended to go upon an equality. There are persons who claim that all ought to have equal rights, so far as the right of franchise is concerned. It is true that individual members have branched out and said that, if you give women the right to vote, they must engage in all the other duties of life in which men engage; that they must fight, sit on juries, etc; but I do not consider that this need to follow, at all. They might be exempted from some of the more disagreeable duties which now devolve upon man. Now, sir, I think we should postpone this matter until eight o'clock this evening. So far, we have wasted no time in the discussion of this question; for we have always considered it of evenings, when we had nothing else to do, or would not have done anything if we had not discussed this subject. We are not hurried for time, just now. The most important thing for us to consider, now, is the article presented by the schedule committee, and when this is considered, with one or two other matters which do not require much time, the work of the convention is finished. We can well

afford to take the time this evening, and give gentlemen who have short speeches upon this subject a chance to be heard. They wish to be heard and it is right they should have the privilege. You can't choke men down upon this matter. Agitation will go on in this convention until members are heard. After they have been heard here, the agitation, so far as this convention is concerned, will cease. I hope this motion to reconsider will prevail and that this subject will be made the special order for eight o'clock.

Mr. WEAVER. Mr. President, if there is a man in this convention who desires to defeat this question of female suffrage it is myself; but I wish to do it in a fair, manly way. I tell you I am opposed to these little, one-horse games. The gentleman from Washington (Mr. Ballard) gets up and talks about wasting time. It is just such gentlemen as himself who are wasting the time of this convention. If it had not been for such men this question would have been disposed of before this. I am in favor of having this question of female suffrage discussed. I don't want any of these gentlemen who favor female suffrage to go home and say they were not allowed a fair opportunity to make themselves heard.

Mr. BALLARD. Mr. President, I wish to know what gentlemen come here for. I wish some gentleman would tell this august body for what purpose we came here.

Mr. WEAVER. I came here for an interchange of thought.

Mr. BALLARD. If I am not mistaken, gentlemen come here to assist each other in making a constitution for the state of Nebraska. In doing this, it becomes necessary to give to each question that discussion which the question deserves. Now, as to the question upon discussion, no gentleman upon this floor desires to choke it. If the honorable gentlemen who talk upon this question will tell us how much time they wish, then we might arrange the matter. I undertake to say that if the doors of that gallery were closed the discussion would soon cease. Who wants to choke off discussion? Have we not listened here to speeches two hours long? If the people were as anxious and as much interested in this matter as is represented, would not petitions be coming in here by the hundred, praying this convention to provide for female suffrage? I am not opposed so strongly to allowing this to go before the people as a separate article, but I am opposed to spending so much time in idle talk.

Mr. MANDERSON. Will the gentleman permit me to inform him that there have been fifty petitions sent here asking for female suffrage to where there is one with regard to the matter of restricting counties in voting railroad bonds. There are petitions with two hundred and fifty names on them, lying in the desk of Mr. Maxwell, the chairman of the committee on rights of suffrage.

Mr. BALLARD. Well, sir, as I said before, I am not so strongly opposed to this proposition, but I am opposed to this foolish waste of time. Look at the papers which come here from all parts of the state.

All of them are talking about the length of time we have been in session here. I have no disposition to choke off debate, but, sir, I have heard speeches upon this suffrage question, over and over again, until I am tired of it. Therefore, I say I hope this convention will get to business and stop this everlasting debate on the suffrage question. But one word more and I shall be done. I hope the gentlemen of this convention will not be so weak-kneed today as they have been on former occasions. We have always defeated adjournment on the first ballot, but some weak-kneed ones have given away.

Mr. TOWLE. Mr. President, I don't think it is the desire of any one to stifle discussion, and if it is desired to discuss this question let it be continued until tonight and tomorrow night, and then individuals can speak, and if more desire to speak than have time to speak, they can hand in their written speeches to the reporters and have them published. There will be no objection to that.

Mr. STEVENSON. Mr. President, I hope this motion to reconsider will not prevail. This discussion has been up for two or three nights, and gentlemen have gone into the matter far beyond what is in order here. This second section does not apply to the extension of the rights of suffrage to the women or to any other individuals. I hope the gentlemen who voted for the previous question will stick to it. I have not said anything on the question, but I want it distinctly understood that I am against it in every shape and form, and I don't think this previous question will debar me, or any one one else, from discussing this question when it comes up in the proper place.

Mr. PHILPOTT. Mr. President, I sincerely hope that the question to reconsider will prevail. This I do for the following reasons. Section 2 of the bill on the rights of suffrage involves in its discussion the question whether electoral representation may be extended to some other class or classes than only to male citizens, either native or foreign born. Sir, in my opinion, the framing of the constitution should be such that the commonwealth may at any time hereafter submit the question of electoral representation so as to include any class of citizens who by the present mode may not be "fairly and adequately" represented, if any such there be. It should be a question left with the people, that exact justice and equity may be meted out to all. Will gentlemen remember that this question is one closely connected with that great, grand division of our constitutional government known as the electoral department? Why, gentlemen, this question is one worthy of our careful and most deliberate consideration.

Are gentlemen here ready to say that the electoral department of our government is so perfect that it can not be amended? Are they willing to say that the system is so perfect that every citizen of the commonwealth is fairly, equitably and adequately represented, and that no exigencies or circumstances may exist

in the future by which electoral representation may be extended to other classes? Let the question be reconsidered; and let gentlemen meet us in honest, fair debate, all with minds open to conviction, that fair, impartial justice may be done to ourselves, our constituents and those who are to come hereafter.

Mr. SPRAGUE. Mr. President, I do wish to say to the members of this convention that I think it is high time that we were doing something. It is the universal desire to get through this week. I disclaim any desire to cut off discussion. I am decidedly opposed to submitting this question at any time. I have nothing to fear. I believe that neither by the laws of God or man that they are entitled to vote; hence I was willing to have it go to the people. I think they would vote it down. It has been the action of this convention, once or twice expressed, that they will not allow this matter to go into the constitution. Why not, in all sense, let that action, thus expressed, settle this matter? Let us go on and dispose of this section that it may go to the committee on engrossment.

Mr. KIRKPATRICK. Mr. President, I rise to say I shall support the motion to reconsider. There is a little chapter of history connected with this whole subject in this convention. When the report of the committee on suffrage was introduced it was taken up in committee of the whole. A question at once was sprung of striking out the second section; and, in order to get rid of that motion for the time being, a motion was made that the committee rise, report to the convention and recommend that the article be recommitted. That motion was made by the chairman of that committee (Mr. Maxwell). Then it was reported back again to the convention, taken up, and a motion made to strike out the second section. I do not propose, now, to discuss this proposition of female suffrage, neither do I indicate how I would vote upon that as a separate question. I desire information on this question, and say, now, I am not ready to endorse the proposition giving to females the right of suffrage. I hope this motion to reconsider will prevail. There are some gentlemen here great economists. The gentleman from Washington (Mr. Ballard), for whom I have great respect, rose six times to discuss a single proposition yesterday, and without being called to order; and I was glad to hear him. I am not prepared to say anything on this great principle of female suffrage. I claim every just, civil and political right has its foundation upon a natural right. "Truth crushed to earth will rise again."

Mr. MOORE. Mr. President, this saving of the people's money is a sublime idea, but when you undertake to do that by doing a greater wrong to the people and ourselves then you end in the ridiculous. It is said, "the more haste the less speed," and the experience of mankind has carried that out. It has been said by some that this subject should take no more time than anything else before it. Let me say, while it may not be as deep a ques-

tion was made by the chairman of the committee, to be sure, to strike out. While that was pending I insisted that it should go back for the consideration of the committee, that they might take the question as to whether it should be submitted as a separate proposition and report to this convention. The chairman never called the committee together, and returned it when there was not a member consulted in regard to it. I do not think any man was consulted about it, and none called together for discussion. It was reported without recommendation, and the chairman moved that it be strangled. That is the treatment this thing received, which is a very mild form to enable a majority, when they shall arrive at the point to desire it, to carry this question; and what does their side propose? That the bar should be forever shut, when the public sentiment is against the right of woman to vote. Now, it is inquired, what is there in this question more than in any other? I think the friends of this measure have been very considerate; they have never asked that it take an hour or a second, except to report, in the day time. They have asked—and it was done at the motion of my friend, Mr. Weaver — that the evening be taken up to discuss, out of business hours. The evening is an appropropriate time for the discussion of an important question. Now what is its character? Sir, the packed galleries for three nights, and so often as you will give notice that this will be the theme of discussion, answers the question. The people are anxious to know, and you may announce that the best speakers in this body shall discuss any other topic, and there shall not be a corporal's guard in this gallery. But it is a subject which agitates the public mind: it is, indeed, the only political question that has essential bottom and principle in it. It is no less a question than that of woman's rights. The same question was agitated at the time when tea was coming into Boston harbor. It is a question of individual woman's rights, and everybody is involved. Who shall say that Mr. Lake, who is absent today on professional business, and who is in favor of this question, should be deprived of the privilege of expressing himself in behalf of a very respectable constituency? Who shall say his constituents shall be choked down here? If gentlemen have not time to wait and hear me I will vote that they shall have leave of absence and that the sergeant at arms be sent after them when I was done speaking. But it goes on record and that is right. Our constituency demand to know how this question has been discussed.

Now, sir, if you want to choke it down--you say, some of you, that there are rights under legislative parliamentary proceedings—if you try to put a gag upon the rights of our wives and our sisters we will stand here and insist upon them.

"We know our rights, and knowing them we will dare to maintain."[6] I say that no man here has brains

6. This quotation—from Sir William Jones—is wide of the mark. Correctly it should be, "But know their rights, and, knowing, dare maintain."—ED.

enough upon his shoulders to answer the arguments which can be brought in defense of the principles we advocate and explain why the woman who is taxed and the woman who is governed should be so taxed and so governed without having a voice in the matter. I say there is not enough brains in this convention to show the justice in this.

Mr. WILSON. Mr. President, I have no doubt but that the gentleman from Douglas (Mr. Estabrook) would be very glad to get the friends of his section out of the room. I think there are gentlemen in this room who will vote for General Estabrook being excused, as well as to vote for Wilson being excused. Wilson keeps his seat, and don't make a blasted fool of himself. (Laughter.)

Mr. BALLARD. Mr. President, one word in answer to my friend, General Estabrook. He complains that I went home. I did so, it is true. I had a sick child at home and the man who would not go home under such circumstances would not be human. He claims, also, that I am a clog upon the wheels of this convention. Who has taken up the time of this body, myself or the gentleman from Douglas (Mr. Estabrook)?

Mr. SPRAGUE. Mr. President, the gentleman from Douglas (Mr. Estabrook) seems to make the charge that the chairman of this committee has not dealt fairly with the members of the committee, by reason of his not giving notice of the committee meeting. That, sir, is not a fair statement. The chairman, Mr. Maxwell, did give notice of the time at which the committee would meet. At the hour appointed another committee, with which the chairman of our committee was connected, was to meet. Coming here, he found that Mr. Estabrook was not here, so he went to the meeting of the other committee, leaving his papers with me, telling me to tell Mr. Estabrook of the meeting of the other committee. I went to Mr. Estabrook and told him what Mr. Maxwell had said, and Mr. Estabrook said that section 2 was just what he wanted and that it was not necessary to get the committee together, as Mr. Maxwell had told us to do, in order to act upon that proposition. Judge Lake said the same.

Mr. ESTABROOK. If I said such a thing it was when I was asleep or crazy.

Mr. SPRAGUE. It might have been when you were crazy.

Mr. ESTABROOK. Does the gentleman say I was present at any time before this report was presented to the convention?

Mr. SPRAGUE. Yes, sir, I do.

The PRESIDENT pro tempore. The question is upon the motion to reconsider the vote by which the section was stricken out.

The yeas and nays being demanded, the secretary proceeded to call the roll.

Mr. WAKELEY, when his name was called. Mr. President, I shall vote to reconsider this proposition, simply for the purpose of giving those who wish to speak a chance. I vote aye.

tion of any vote shall be in order after the expiration of two business days. Such motion shall take precedence of all other questions, except a motion to adjourn.

The PRESIDENT. The chair decides the motion to reconsider out of order, it being a point of the motion to lay on the table until eight o'clock. The convention cannot reverse its action now by reconsideration. The question is, shall the decision of the chair be sustained?

The ayes and nays being demanded the secretary called the roll.

The president announced the result, ayes 21, nays 17, as follows:

YEAS.

Cassell,	Philpott,
Estabrook,	Reynolds,
Hascall,	Robinson,
Kilburn,	Sprague,
Kirkpatrick,	Scofield,
Lyon,	Shaff,
Majors,	Tisdel,
Mason,	Towle,
Manderson,	Wakeley,
Moore,	Weaver.—21.
Myers,	

NAYS.

Abbott,	Parchen,
Ballard,	Stevenson,
Boyd,	Stewart,
Campbell,	Thomas,
Gibbs,	Tummel,
Granger,	Vifquain,
Gray,	Wilson,
Griggs,	Woolworth.—17.
Newsom,	

ABSENT OR NOT VOTING.

Curtis,	Grenell,
Kenaston,	Ley,
McCann,	Parker,
Speice,	Hinman,
Eaton,	Maxwell,
Lake,	Price,
Neligh,	Mr. President.—14

So the decision of the chair was sustained.

The PRESIDENT. I wish to call your attention to the article and other subject matter of importance before us. The article on revenue and finance is one.

Mr. ABBOTT. I move to adjourn.

The motion was not agreed to.

Mr. GRIGGS. I move to proceed with the consideration of the article on revenue and finance.

The motion was agreed to.

Municipal Corporations.

Mr. THOMAS. If it is in order I would like to make a report from the committee on municipal corporations, to whom was referred a resolution in reference to fees of municipal officers.

The PRESIDENT. It will be received. Will Judge Wakeley please act as chairman for a short time?

The PRESIDENT pro tempore. We will hear the report from the committee on municipal corporations.

The secretary read the report as follows:

Every municipal, and every county officer, paid in whole or in part by fees, shall be required to make a report, semiannually ,under oath, to some officer to be designated by law, of all their fees and emoluments; and such fees and emoluments, exclusive of necessary clerk hire, shall not in any one year exceed the sum of $2,500, and all excess over that sum shall be paid into the treasury of the county or city in which such officer shall reside.

The PRESIDENT pro tempore. The convention will now consider the article on revenue and finance.

Mr. MASON. I send to the chair a substitute for the one he now holds in his hand.

The secretary read the substitute as follows:

All property, real, personal and mixed and all credits subject to the jurisdiction of this state shall be listed and taxed, and the legislature shall provide by law for carrying into effect this provision.

The PRESIDENT pro tempore It is in order to move that that section, as reported by the committee, be added to this article at the proper time The article will be read, section by section The chair will proceed to read the article

Mr VIFQUAIN I move we go into committee of the whole upon this section.

The PRESIDENT pro tempore The chair will put the question but has already ruled it is in order to offer it as an amendment, but if the convention see fit to go into committee of the whole they may do so by a majority vote

The motion was not agreed to

The PRESIDENT pro tempore The article will be read by section

The secretary read the first section, as follows

Section 1 Taxes may be rightfully and equally levied upon the property of the citizen to insure the protection of life, the security of person, property and character, and to attain these objects the legislature shall provide such revenue as may be needful by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property, such value to be ascertained by some person or persons to be elected or appointed in such manner as the legislature shall direct, and not otherwise but the legislature shall have power to tax peddlers, auctioneers, brokers, bankers, merchants, commission merchants, showmen jugglers, innkeepers, grocery keepers, liquor dealers, toll bridges, ferries, insurance, telegraph and express interests or business, vendors of patents, and persons or corporations owning or using franchises and privileges, in such manner as it shall from time to time direct by general law, uniform as to the class on which it operates.

Mr BOYD I move to strike out the first two lines. I think the language is superfluous.

The PRESIDENT pro tempore The question is upon the motion to strike out the words indicated by the gentleman from Douglas (Mr Boyd

The amendment was not agreed to

The PRESIDENT pro tempore The question is upon the adoption of the section.

The section was adopted

The secretary read the next section as follows:

Sec 2 This specification of the objects and subjects of taxation shall not deprive the legislature of the power to require other subjects or objects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution

The section was adopted

The secretary read the next section as follows

Sec 3 The property of the state, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, [public] cemetery and charitable purposes, the buildings and grounds belonging to and used by any religious society for religious purposes and to the value of $3,000, may be

Mr. BOYD. I think the gentleman should insert the word religious.

Mr. ABBOTT. I will accept that and insert the word religious before the word public.

Mr. NEWSOM. Mr. President, I rise to a point of order. There are already two amendments pending.

The PRESIDENT. The point of order is well taken. The question is on the amendment of the gentleman from Douglas (Mr. Boyd).

Mr. MASON. Mr. President, I do not wish to go over the ground that was considered in the committee of the whole. I only wish the convention not to get the idea that a church is religion or that large estates, whether held in the hands of living or dead corporations, is Christian religion. No one will be deceived with that spirit of a tadpole if you call it Christianity. I wish here to say it is not the religion, as I said before, that you propose to tax, but it is to exempt such an amount of property from the lands of each religious denomination as is necessary to secure a reasonable building for the conducting of religious worship. I do not wish here to review the citations of authority and the immense litigations which have traveled through the courts of New York in respect to the taxation of the Trinity church property. I do not wish to review here the litigation called forth in the city of St. Louis, in respect to the taxation of seventeen millions of property held by one denomination alone, and claimed to be exempt from taxation; neither do I wish to frame the fundamental law that shall invoke, and call into existence, at some future day, a statute of mortmain, the passage of which, on English soil, caused nearly every bit of earth to be wet with English blood. I would learn experience from the past, and avoid the possibility of covering from the hand of the tax gatherer large masses of property, under the guise that it was adding a favor to the Christian religion. It was, sir, under disguise that more than two-thirds of the real estate of England was at one time swallowed up and covered from the hands of taxation and the service of government; and, sir, it was to reach that property that the statutes of mortmain were passed. After their passage was secured on blood-red battle fields, then it was that again the battle had to be fought to enforce it, between this feeling that they then called religion and the rights of the people. I wish to say yonder church no more presents the tabernacle not made with hands for religion, devoted to Christianity, than this tenement wherein we attempt to dispose of the affairs of state. One is the habitation in which they conduct their business; this is the habitation in which the business of the state is conducted. Now, sir, if the motion of the gentleman from Hall (Mr. Abbott) shall prevail you have opened a door by and through which not less than ten quarter sections of land in my own county laying alongside and under the very shadow of mine, are covered within the limits of the church; and, notwithstanding they are dedicated

to Christianity, the dews of heaven fall no more munificently, or the late or early rains come no oftener, and God blesses them no more Why, sir, is it sought to accomplish this result? In the interest of religion? No! so, sir by no means! In the interest more, of a kind of tabernacle that is secured from taxation in the territory of Utah, the property held for the high priest of the Church, benefiting and building up a corporation Aye, sir instead of advancing Christianity it saps and corrupts it by securing and upholding the great sin that over all other sins stamps this nation today. I mean the sin of covetousness What else do you accomplish? Nothing nothing more Then, sir, I would give them a five thousand dollar exemption No more My friends who worship with rich congregations that have aggregated sixty or seventy thousand dollars on these cities along the river, will all move to strike out "five" and insert "twenty," "thirty" or "sixty" The gentlemen who came here from the rural districts have no such costly places to worship in. Do you drive there in your carriages of state, or do you go in your family two-horse wagon over the rough streets" Are they better representatives of Christianity than your wives and daughters' I solemnly protest against this iniquity

Mr ABBOTT Mr President, while I do not pretend to stand upon this floor to answer the gentleman from Otoe (Mr Mason) I have a right and claim it here to place myself squarely upon the record I do not wish to deceive the public, nor do I wish to allow him to deceive the public, nor can he deceive me by taking the temple which Christianity rears, by asserting that the taxing of it is not taxing Christianity Nor do I wish to have the public deceived with reference to the taxation of, or the discrimination between churches I say if you tax one you should tax all alike; and this talk the gentleman indulges in, in reference to the taxation of churches does not pass with the honest gentlemen from the rural districts We have none of these five thousand dollar churches, but say if you tax one you should tax all. I do not belong to any I have some interest in them, perhaps, as every man in this broad land has. The abuses which he claims crept in in the olden times may be so. Is it not for the legislature to correct this? We say the legislature may exempt this property from taxation and may tax it again by a general law Now, sir, I have no objection to their taxing those sections of land. Indeed, sir, I think they ought to be taxed, but I think the building and the lot upon which it stands, so long as devoted exclusively to the purposes of divine worship, I care not what denomination, should be exempted from taxation, and the lands they own, and the buildings they own, aside from this, might be taxed I have no objection to that, but I do object to taxing the house and the lot on which it stands

Mr WOOLWORTH Mr President I desire to say a few words

exempt from taxation religious denominations.

Adjournment.

Mr. STEWART. I move we adjourn.

The motion was agreed to.

So the convention (at 12 o'clock and ten minutes) adjourned.

Afternoon Session.

The convention was called to order at one o'clock and fifty minutes by the president.

The PRESIDENT. Will the gentleman from Douglas (Mr. Wakeley) take the chair.

Female Suffrage.

Mr. PHILPOTT. Mr. President, I have three petitions asking for female suffrage which I would like to have referred to the committee on suffrage.

The PRESIDENT pro tempore. They will be so referred if there is no objection.

Revenue and Finance.

The PRESIDENT pro tempore. The question is upon the amendment to the amendment to strike out "$5,000" in section three and insert "$3,000." The gentleman from Douglas (Mr. Boyd) moves to strike out "$5,000" and insert "$10,000." The gentleman from Otoe (Mr. Campbell) moves to amend by striking out "$10,000" and inserting "$20,000."

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7. Both Mason and Woolworth, his assailant, are chiefly wrong in these allusions to English history, though Mason's statement is a little nearer right than Woolworth's: for the statute of mortmain may legitimately be called a tax reform measure. But it was not, as Mason so dramatically contended, a cause or occasion of war or bloodshed; nor was it "secured on blood-red battlefields," but by the masterful demand and dictate of Edward I. It was simply an incident of the great constructive political policy of a strong king, along the same lines as that of his vigorous father, Henry III.

The establishment of modern popular constitutional, and truly national government in Europe has involved an immemorial struggle against the assumption of political authority and material aggrandizement by religious organizations, and especially the Roman Church, which is still insistent in the politics of the continental nations and felt in that of England.

Authoritative history has described the statute of mortmain. "By falling into the 'dead hand' or 'mortmain' of the church, land ceased to render its feudal services; and, in 1279, the statute 'de religiosis,' or, as it is commonly called, of 'mortmain,' forbade any further alienation of land to religious bodies in such wise that it should cease to render its due service to the king." (History of the English People, Green, v. 1, p. 230; publisher, American Book Exchange, 1881.) "Edward's statute 'de religiosis,' and the statute of Carlisle prove his confidence in Henry's theory that the church of England as a national church should join in bearing the national burdens and should not risk national liberty or law by too great dependence on Rome. What the statute 'de religiosis' was to the church the statute 'quia emptores' was to feudalism; but it was only a series of measures by which Edward attempted to eliminate the doctrine of tenure from political life. Henry [III] had humbled the feudatories, Edward did his best to bring up the whole body of landowners to the same level." (Constitutional History of England, Stubbs, v. II, p. 110, 4th ed., Clarendon Press.) "This was the famous statute de religiosis, which forbids the acquisition of land by the religious or others, in such wise that the land should come into mortmain. (Ibid., p. 117.) "On the 4th of July (A. D. 1294) he had seized and enrolled all the coined money and treasure in the sacristies of the monasteries and cathedrals." He summoned the clergy to meet at Westminster September 21. They offered two-tenths, but Edward demanded a half of their entire revenue. "The clergy were dismayed and terrified; the dean of St. Paul's died of fright in the king's presence." But they were obliged to submit. (Ibid., p. 131.) The act was strengthened in 1391.

As late as the period of 1871, lawyers and clergymen were still regarded as scholars and critics; but in the meantime a class of specialists in every department of learning have been developed in the colleges, and universities who have superseded them as authorities and critics. The law is no longer a "learned profession," and lawyers are rather business agents and mentors, whose study is largely limited to case law. In that elder day Woolworth was regarded as a scholar; and it is improbable that he would have neglected to revise his inadequate and inaccurate offhand remarks upon the topic in question if he had expected that the debates would be printed. Still, critical history was doubtless difficult of access at that time.—[Ed.

The yeas and nays being demanded, the secretary proceeded to call the roll

Mr TOWLE, when his name was called Mr President, I believe that all property used exclusively for religious purposes should be exempt from taxation, and I vote for this $20,000 limitation, under protest as the best I can get. I vote aye

The president announced the result yeas 7, nays 31, as follows:

YEAS

Boyd	Thummel,
Campbell	Towle,
Manderson,	Woolworth 7
Newsom,	

NAYS

Abbott,	Parchen,
Ballard,	Philpott,
Cassell	Reynolds,
Estabrook,	Robinson,
Gibbs	Stevenson,
Granger,	Stewart,
Gray	Sprague,
Griggs	Seofield,
Harsall,	Shaff
Kennaston,	Thomas,
Kilburn,	Tisdel,
Kirkpatrick,	Urquain,
Lyon,	Wakeley,
Majors,	Weaver,
Mason,	Wilson 31
Myers	

ABSENT OR NOT VOTING.

Curtis,	Moore,
Eaton	McCann,
Grenell,	Neligh,
Hinman,	Parker,
Lake,	Price,
Ley,	Spence,
Maxwell,	Mr President 14

So the motion to adopt the amendment of $20,000 was not agreed to

The PRESIDENT pro tempore The question recurs upon the motion to strike out $5,000

The motion was not agreed to.

Mr. ROBINSON. Mr. President, I wish to amend the section by striking out all after the word cemetery, down to and including the word value. I offer and support this amendment from principle. I think, for my part, that the question of expediency enters very largely into this question At least, it does in my opinion. I was astonished at the extreme views taken by my friend from Douglas (Mr. Woolworth) this morning Now I admit that this desire to exempt church property sounds very pious in religious circles, but I consider it very foolish.

I desire to allude, Mr President, to a circumstance which occurred about fifteen days ago When the question of the bill of rights came up I moved to strike out a bad phrase which was embodied in the preamble. Certain gentlemen upon this floor said that if the people of this state did not recognize God Almighty in the constitution they were

to use a cant phrase -"very hard up." That is the very classic phrase which they made use of Now, I don't suppose that there are half a dozen upon this floor who would advocate the levying of a general tax upon the entire community in order to pay the taxes which ought to be paid by the churches upon the church property or would say that a general tax should be levied upon the whole community in order to pay, not only the taxes this church property should pay, but also pay the running expenses of these churches I say the cases are exactly alike Suppose A represents $10,000 of private property, and that he rep-

resents $10,000 of church property; B and C each possess $10,000; A belongs to the church and neither of the others do. There are $40,000 worth of property to be assessed, and the levy amounts to $400. The church property, however, is exempt from taxation, and B and C have to pay their share of the taxes which should be paid by the church. A is the only one who receives any benefit from the exemption; and yet B and C each have to pay a third of the assessment which should have been paid on the church property. I would be in for this exemption, but I contend, sir, that the wrong is just here, while you exempt the property of A, B has got to pay for it. The tax has got to be paid every year, and the amount to be paid is no less because you exempt some. Now, sir, who shall pay them? [It.] Those who have and [an] interest in that kind of property? or those who have no interest in it whatever? It seems to me that those who put their money in that kind of property ought to pay it. I am willing to contribute to the support of the church; but I wish to do it freely. I certainly would be willing to resort to any plan that would relieve these societies from the payment of taxes, but I am not willing that B and C should pay A's taxes. I don't know that I have any objection to the amendment as it now stands; that is, leaving the word religious in. I hope, Mr. President, that this section will not prevail, and that we shall not be led to believe that we are making anything when we take money out of one pocket and put it in another. The old maxim, "those who dance," although to church music, "should pay the fiddler."

Mr. WOOLWORTH. Who pay the fiddler, Mr. President? Who pay for the churches? Those who go there? No, sir, not at all. The great majority of those who go, pay but very little, indeed; that is my observation as to one church in this state. No, sir, as to the matter of piety, I have got very little and do not claim anything on that score. But, sir, the churches of this state are doing just as much good in the land as the schoolhouses of the state, and do it just precisely in the same way. Go to any part of this state where you find a people that go to church regularly on Sunday and there you will find intelligence and virtue. It is for the good of the state that I contend for this exemption, and not for them as Christian men and women.

Mr. MASON. Mr. President, it seems to me we are drifting a little to sea in this question. I rise now, not to make any remarks, but to correct what seems to be a misunderstanding of what I said this morning. Far be it from me to attack any church organization; but I have always observed this fact, that a thing is prized just so far as it costs. Now, sir, I do believe that the amendment moved by the gentleman from Lancaster is right in principle; that just in proportion as you relieve this class you burden another. That $5,000 is sufficient. I do not propose to relieve them further; and, in doing this, let none say

that we do it as against Christians Let no one say that we think these churches are the only representatives of Christianity These broad prairies, stretching out in the sunlight of heaven, speak louder than a thousand church spires, they are God's own ministers I have only to say that if the gentleman from Douglas (Mr Woolworth) meant this morning to insinuate that I aimed any arrow or any shaft at any religious denomination he misunderstood me and misapprehended my whole purpose and views in respect to this matter I do say, in the language of my friend from Lancaster (Mr Robinson), as an abstract principle of right and, sir I believe I will live to see the day, in this state and in all the states, when the right the very right as illuminated in the general assembly of the Methodist church, shall be written in the fundamental law of the land and, as I took occasion to say in committee of the whole, that church seems to this country to lead the very vanguard of Christian reform and moral and social elevation We are not speaking for ourselves, but for them, and while I do not ask the convention to change its opinions on the $5,000 exemptions, all we ask is to second our votes for the abstract principle that nothing should be exempted because certain men have seen fit to say we dedicate this to the Lord We say that all air, all space and thought all time, all eternity and all the products of the earth are dedicated to the Lord over and above the decrees of men

Mr. ABBOTT. Mr. President, before this amendment is put I wish to say a word. I will sustain the amendment of the gentleman from Lancaster (Mr Robinson) in preference to the section as it now stands Sooner than make a discrimination between the rich and the poor, I will vote to tax every church in the land.

This section is not obligatory on the legislature; it only permits them to exempt this species of property if they see fit If we pass this, the legislature must tax all over $5,000 valuation and may tax all under that. There are some institutions in this state I would like to see exempted, such as the Mercy hospital in Omaha, which is controlled and managed almost entirely by ladies. I move an amendment to the amendment to strike out the words charitable purposes.

Mr. HASCALL. Mr. President, I think we should not make so great an innovation on former practices in the way of taxation as to deny the exemption of a reasonable amount of church property It is our duty as framers of the law to leave it in such a situation that if the legislature desires to exempt a reasonable amount of church property they have a right to do it, say an amount not exceeding $10,000 At the proper time I shall move to strike out and insert in such a way as to exempt at least $10 000 worth of property

Mr THOMAS Mr President I hope the amendment offered by the gentleman from Lancaster (Mr Robinson) will not prevail It seems to me there should be an exemption of property for religious and charitable

purposes to a certain extent: whether it be five, or ten thousand dollars is a matter for this convention to consider; but that it all should be stricken out is certainly wrong. Suppose you levy a tax on these churches, who pays it? Is it not a few individuals who support it? Would you collect a tax by selling the church? It seems to me it would not be right. I am, therefore, in favor of exempting property used for religious purposes, to a certain extent. These churches and buildings, put up for charitable purposes, they are for the benefit of the whole community, and it would be taxing a very small part of the community; for, most assuredly a few people would have to pay the taxes. I believe the gentleman from Douglas (Mr. Woolworth) was perfectly correct in what he stated about the benefit these institutions conferred on the community, and they are certainly just as useful as the schools, as necessary for the advancement of civilization and the good morals of the community; and if we tax them it must tend to the discouragement of the establishment of any such institutions. I do not believe, Mr. President, although I am not certain about it, that the meaning of property used for religious purposes must be the church building and the grounds upon which it is situated. If there are any lands, outside of this, used for the purpose of bringing in an income for the church, I do not believe that property would be exempted from taxation, because it is used for the purpose of raising an income. It seems to me the church building and the grounds upon which it is situated, even though it be worth more than ten, fifteen, or twenty thousand dollars, it should be exempted. I am in favor of putting in the largest amount we can get in. I do not think it would be dangerous to make provision in our constitution the same as it is in the Illinois section; but it certainly would be wrong to say we should strike out the whole of that section and make it necessary that all the property belonging to churches and charitable institutions should be taxed exactly to the same extent as we tax the property of individuals.

Mr. ROBINSON. I put a case to the gentleman as between the religious and non-religious portion of the community. They have got around it by saying that the non-religious community are, in effect, benefitted, which go to church, while this amendment seeks to compel the religious portion to bear all the burden. But, sir, we will suppose a church has five millions of property, or ten millions, devoted to this purpose, which, according to this amendment, is to be exempted from taxation Now, another church may not have a half or tenth part of that amount of property. The truth is that the tax-paying portion of the community—those who belong to the church with the small [property] ought to have their taxes paid by the people who attend the wealthy church. The larger the property the church holds exempt from taxation the larger tax the exemption imposes upon those who have not so much. It has to rest somewhere. You can

make no difference. The question for this convention to decide is upon whose shoulders the tax shall rest. The wealthy churches get all the benefit. I call for the ayes and nays on this question.

The secretary called the roll.

The president pro tempore announced the result, yeas 4, nays 35, as follows:

YEAS

Estabrook,	Majors,
Robinson,	Stevenson 4

NAYS

Abbott	Newsom,
Bullard,	Parchen,
Boyd	Philpott,
Campbell,	Reynolds,
Cassell,	Scofield,
Gibbs	Shaff
Granger,	Stewart,
Gray	Sprague,
Griggs	Thomas,
Hascall	Thummel,
Kingston,	Tisdel,
Kilburn	Towle,
Kirkpatrick,	Vifquain,
Lyon,	Wakeley
Mason	Wilson,
Moore	Woolworth,
Manderson,	Mr President 35
Myers	

ABSENT OR NOT VOTING

Curtis	Price
Eaton,	Parker
Grenell,	McCann,
Hinman,	Neligh,
Lake	Speice,
Levy,	Weaver 13
Maxwell	

So the motion was lost.

Mr HASCALL. I move to amend by striking out $5,000 and inserting $9,000.

Mr MAJORS. I ask for a division on the question.

The PRESIDENT pro tempore. The question will be divided.

Mr STRICKLAND. I ask that the question remain just as it is, unless a majority of the convention ask for a division, for the reason that I believe the majority of the convention are in favor of striking out the $5,000 and inserting $9,000.

The PRESIDENT pro tempore. A short time since the motion was made to strike out $5,000 and insert $10,000, a division was asked for and the motion to strike out $5,000 was negatived. The motion now is to strike out $5,000 and insert $9,000, which is in order, but is susceptible of division. A division being demanded, the motion to strike out must be put.

Mr MAJORS. I apprehend the members upon the floor understand when they are voting to strike out the motion is to insert $9,000 and if they are in favor they will vote to strike out $5,000. If not, they will vote against striking out.

The PRESIDENT pro tempore. The rule 32, I think, is plain: "If the question in debate contains several propositions any member may have the same divided."

Mr HASCALL. Mr President, if the motion to strike out is carried, then the motion to insert is privileged to follow. I hope this motion to strike out will prevail and this amendment be carried, because $5,000 is a very small sum to be exempted from taxation for religious purposes. A benevolent institution which does not own more than $5,000 would be almost powerless for good.

The PRESIDENT pro tempore. The limitation of $5,000 applies more particularly to the grounds and buildings used for religious pur-

poses, exclusively, and not for charitable purposes.

Mr. HASCALL. These institutions are non-productive, and they are supported by people who give largely to charitable purposes generally. If we put the exemption at so small an amount it will be of but little service to the churches. I say it is putting an extra burden upon a certain class of people who ought not to pay it. These churches are institutions which are a benefit to the country at large.

Mr. BALLARD. Mr. President, I hope this convention will stand to the report of the committee. We are getting back into the old way of amendments without end.

The PRESIDENT pro tempore. The question is upon the motion to strike out $5,000.

The yeas and nays being demanded, the secretary proceeded to call the roll.

Mr. CASSELL, when his name was called. Mr. President, I wish to be excused from voting. "No. No." Then I vote nay.

Mr. MANDERSON, when his name was called. Mr. President, I wish to explain my vote. I am in favor of exempting all church property which is used exclusively for religious purposes, therefore, I vote aye.

The President announced the result, yeas 15, nays 23, as follows:

YEAS.

Abbott,	Thomas,
Boyd,	Towle,
Campbell,	Thummel,
Estabrook,	Wakeley,
Hascall,	Wilson,
Manderson,	Woolworth,
Newsom,	Mr. President.—15
Philpott,	

NAYS.

Ballard,	Moore,
Cassell,	Myers,
Gibbs,	Parchen,
Gray,	Reynolds,
Griggs,	Robinson,
Granger,	Shaff,
Kenaston,	Sprague,
Kilburn,	Stevenson,
Kirkpatrick,	Stewart,
Lyon,	Tisdel,
Majors,	Vifquain.—23.
Mason,	

ABSENT OR NOT VOTING.

Curtis,	Maxwell,
Eaton,	Neligh,
Grenell,	Parker,
Hinman,	Price,
Lake,	Scofield,
Ley,	Speice,
McCann,	Weaver.—14.

So the motion to strike out was not agreed to.

Mr. ABBOTT. Mr. President, I ask leave of the convention to offer an amendment which is the original amendment as reported by the standing committee. There are several gentlemen here who desire to record their votes upon this section. The proposed amendment is to insert the word religious after the word school, and to strike out the words "the buildings and grounds owned and used by any religious society for religious prposes and not to exceed $5,000 in value." I will say that this amendment will read exactly as the printed copy, except the single word public, before the word cemetery.

The PRESIDENT. The question is upon the amendment of the gentleman from Hall (Mr. Abbott).

The yeas and nays being demanded, the secretary called the roll.

The president announced the result, yeas 24, nays, 14, as follows

YEAS

Abbott,	Thomas,
Boyd,	Thummel,
Campbell,	Wakeley,
Estabrook,	Wilson,
Hascall	Woolworth,
Manderson,	Mr President 14
Myers,	

NAYS

Ballard,	Moore,
Cassell	Newsom
Cobbs,	Parchen
Granger,	Philpott,
Gray,	Robinson,
Griggs	Reynolds,
Kenaston,	Stevenson,
Kilburn,	Stewart,
Kirkpatrick,	Sprague,
Lyon,	Shaff,
Majors,	Tisdel,
Mason	Vifquain 24

ABSENT OR NOT VOTING

Curtis,	McCann,
Eaton,	Neligh,
Grenell,	Parker,
Hinman,	Price,
Lake,	Scofield
Ley	Spence
Maxwell,	Weaver 14

Mr THOMAS Mr President I would like to move an amendment to strike out "buildings and grounds etc and insert 'church buildings and grounds whereon the same are situated"

Mr STRICKLAND Mr President I am satisfied that the people of the state will not be satisfied with the action of the convention here Though if the convention should vote this down I shall acquiesce in it

Mr KIRKPATRICK Mr President, I think the honorable president was on the floor, and advocated the admendment that he now wishes to strike out

Mr STRICKLAND Now, Mr President, I wish to explain that. There was a society that owned property worth several thousand dollars of land, but not church property. This Presbyterian board owns a large track [tract] of land, worth two or three thousand dollars, in Sarpy county. Now, I ask what good reason can any church offer if they hold land why it should not be taxed as well as any other property? But when you go to tax schoolbooks, schoolhouses, churches and church bells, emblems of Christianity, then I am opposed to it If the widow will give her pittance for the purpose of erecting a building in which the word of God may be taught, I do not believe in taxing that house.

Mr. THOMAS. Mr. President, I am in favor of this amendment for two or three reasons One is that this property is not used for the purpose of speculation or making money It brings no money in Another is that you would not wish to sell it for the payment of taxes It is simply whether we will allow persons who desire, to erect churches and have them exempt from taxes I believe that it has been done in every state in the union.

Mr. WOOLWORTH Mr President I do not know but the convention has come to a settled conclusion, so that it is hardly worth while to discuss this question I do not know but this amendment will be voted down, although it places the subject in a new aspect It simply provides that the churches and grounds on which they are situated shall be exempt I ask gentlemen

to consider this fact. We are a new state, and churches have got to be built. The church to which I belong, the Episcopal church—the building in this town is built, more than half of it, by subscriptions from the states in the east. It has been my practice to contribute to the building of churches outside of Omaha, as it is the practice of many others. Almost all of the churches at Plattsmouth were built and furnished by a gentleman in New York. These churches are to be paid for by money contributed from abroad. And now do you propose to say to those Christians in the east, "Bring your money here to build our churches and we will tax them for the support of the government!" That is what you propose to do, if you are to tax these church buildings and church lots. That is what you propose to do if you are to vote down these amendments, all of them, without any sort of consideration. The money that goes into these churches does not come out of our pockets, but a small proportion of it. Not one half of all the money invested in Episcopal churches in this state ever came from the pockets of the people that live in the state; and yet you propose to make those churches, the people in their poverty, in their poverty, sir, are scarcely able to support,—you propose to make them go farther, and contribute to the support of the government. Who goes to those churches? Not the people in the east that gave the money to build them; not the people in this state who gave the money to build them; but others, most of whom never gave one dollar for the purpose. They improve the value of your other property; they make the people in your communities virtuous and religious, and educate and fit them to discharge their duties as citizens of the land; and these are the institutions you propose to take money out of to run your state government, which is so poor and paltry as to do it.

Mr. ROBINSON. Mr. President, the other day, in committee of the whole, the only point made in favor of this exemption was the poverty of the churches; it was said by gentlemen that churches were all small and not very well supported, and it would be wrong to tax them. It seems to me it can make no difference whether this money comes from abroad or whether it is raised in our midst. I suppose three-fourths of the capital now in this state was brought from abroad. If a gentleman comes from New York with five thousand dollars, is that any ground for exemption from taxation? It seems to me there is no argument in this, none whatever. It has been objected by one gentleman [that] there will be difficulty in collecting these taxes. I do not apprehend any. If gentlemen are able to build churches worth fifty or sixty thousand dollars, they are able to pay taxes on them. The plea is made that this property is unproductive. If they wish to make it unproductive they can put it in a church. Now this five thousand dollar exemption is sufficient, and certainly affords gentlemen inclined to be religious a chance to exercise their benevolence.

If they choose to ornament their churches let them pay for it

Mr CAMPBELL. Mr President, I would like to express my opinion on the subject. It seems it is the determination of some men in this hall to make a drive at religion of all kinds A motion was made to strike out God in the preamble of the constitution; this comes up in another form, and has more strength Mr President, we have been referred to history look at the effort made by Voltaire and other infidel writers What was their cry" Down with the churches' My opinion is that any church is better than no church I consider the church the salt of the earth Wipe it out and you will have a revolution like the one in France the like of which the world has never seen Because they recognize a supreme being these churches are the salt of the earth, have a saving influence on the government and why do you want to tax them? They say they do not want to tax benevolent institutions If churches are not benovolent institutions, I do not know what are As I said, the money given to churches in this state comes from abroad people who exert themselves to raise money to build churches are not able to pay taxes and should not be compelled to do so

Mr. MASON. Mr. President, I rise to a question of privilege, that is, to repel the assertion that this is but an assault by infidelity on Christianity I deny it Do you brand the Methodist churches as the leaders in infidelity? I deny the aspersion upon the gentlemen who advocate that [?] with me upon this question, upon the Methodist church of this state, who ask for more than we herein grant.

Mr. CAMPBELL. Mr. President, the position of the Methodist church puts me in mind of what I read in Virgil a long time ago, when I was a boy Aeneas wished to marry a daughter of Turnus, but Turnus objected, and they agreed to settle the matter by single combat The goddess Juno, being on the side of Aeneas, formed, out of a hollow cloud, a hollow Aeneas, with a hollow helmet on a hollow head, and out of his mouth came hollow words; and Turnus, seeing this hollow Aeneas, turned his attention to it in place of the true Aeneas, and while he was fighting it the true Aeneas attacked him in the rear, and slew him The Methodist church is now in a deadly contest with infidelity, and this taxation of churches is set up as a false Aeneas and while she is fighting this false issue infidelity is attacking her in the rear.

Mr. MYERS. Mr. President, I expressed my views the other day in reference to exceptions in taxation. I desire to have equal laws in the matter of collecting revenue for the support of government and am opposed to any exception This is only an indirect way of getting money [out] of the treasury which, if these charities and religious institutions are worthy of public support, ought to be paid directly out of the treasury of the state the same as we gave money out of our pockets for charitable purposes. The state ought to be just to its own citizens, and to the amount

we exculpate persons for the payment of taxes, other parties have to make up deficiencies. I look upon churches and other institutions of that kind as on a par with individuals. If the state, in its charity or benevolence, chooses to exempt small portions of property, it may perhaps be given to them; but I object to the principle, because, if we make it in behalf of churches, we may make it in behalf of religious individuals. I see by the paper that, instead of giving property to the churches, they are taking it away from them. Today's telegrams say, "The Official Gazette publishes the decree appropriating for public use two convents and three plats of ground in Rome belonging to religious bodies."

I know that the Methodist Episcopal church and other protestant churches are grasping for wealth. They are becoming covetous. They do not believe in the old, simple doctrine, "give without money and without price,"[8] who are going after the filthy lucre. We have examples of Spain and New Mexico in allowing churches to monopolize most of the valuable portions of those countries, where millions and millions of dollars have been devoted to the church by the state and have built up a power greater than the government itself.

I do not think that in withholding any state appropriation to the church that we are guilty of infidelity, or making a drive at the churches at all. I am in favor of a pure religion or none at all. It must be either perfectly pure and above reproach, or it is not the religion of the true God. That is my opinion. That graveyards and cemeteries should be provided for and the ministers supported out of the pockets of the people. I have helped support the minister in the past and will do in the future. I try to be a Christian, but often come far short. I care not whether it comes from the Roman Catholic, Jew, or Methodist, so long as he worships the true God. That is my religion. But to make one dependent upon the state is a principle I oppose.

Mr. BALLARD. I move the previous question.

Mr. ESTABROOK. I wish to read for information.

The PRESIDENT. The question is, shall the main question be now put?

The main question was ordered.

The PRESIDENT. The main question having been decided in the affirmative, the question is now upon the motion to strike out.

The ayes and nays being demanded, the secretary called the roll.

The president announced the result, ayes 13, nays 25, as follows:

YEAS.

Abbott,	Thummel,
Boyd,	Towle,
Campbell,	Wakeley,
Hascall,	Wilson,
Manderson,	Woolworth,
Newsom,	Mr. President.—13
Thomas,	

8. This is a clumsy essay at quotation. It must be referred to Isaiah, 55 : 1: "Come, buy wine and milk without money and without price."—Ed.

NAYS

Ballard,	Moore,	
Cassell,	Myers,	
Estabrook,	Parchen,	
Gibbs	Philpott,	
Gray	Reynolds,	
Griggs,	Robinson,	
Kenaston,	Stevenson,	
Granger,	Sprague,	
Kilburn,	Stewart,	
Kirkpatrick,	Shaff,	
Lyon,	Tisdel,	
Majors,	Vifquain	25
Mason,		

ABSENT OR NOT VOTING

Curtis,	McCann,	
Eaton	Neligh,	
Grenell,	Parker,	
Hannan,	Price,	
Lake,	Scofield,	
Ley	Speice,	
Maxwell,	Weaver,	14

So the motion to strike out was not agreed to

The PRESIDENT The question is upon the adoption of section 3

The secretary read section 3, as follows

Sec 3 The property of the state, counties and other municipal corporations both real and personal and such other property as may be used exclusively for agricultural and horticultural societies, for schools, public cemeteries and charitable purposes the buildings and grounds belonging to and used by any religious society for religious purposes and not exceeding $5,000 in value may be exempted from taxation, but such exemption shall be only by general law In the assessment of real estate incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property For the encouragement of agriculture and horticulture the legislature may provide that the increased value of lands by reason of hedges fruit and forest trees, grown and cultivated thereon, shall not be taken into account in the assessment of such lands for purposes of taxation.

Mr THOMAS I move to amend by striking out the words "and not exceeding $5,000 in value" and insert, 'to the value of $5,000

The amendment was agreed to

The PRESIDENT. The question is upon the adoption of section 3.

The secretary proceeded to call the roll

Mr ESTABROOK, when his name was called. I believe it to be our duty to protect our own property, and that of municipal corporations from taxation, and leave the balance to the legislature Therefore, I vote no.

Mr MYERS, when his name was called. I believe this is special legislation embodied in the constitution I therefore vote no

The president announced the result, ayes 22, nays 14, as follows

YEAS

Ballard,	Moore,	
Cassell,	Newsom,	
Gibbs,	Parchen,	
Granger,	Reynolds,	
Gray,	Stevenson,	
Griggs	Stewart,	
Kilburn,	Sprague,	
Kirkpatrick,	Shaff	
Lyon,	Tisdel,	
Majors,	Vifquain	
Mason,	Wakeley	22

NAYS

Abbott	Philpott,	
Boyd,	Robinson,	
Campbell	Thomas,	
Estabrook	Thummel,	
Hascall,	Towle	
Manderson,	Wilson,	
Myers,	Woolworth	14.

ABSENT OR NOT VOTING.

Curtis,	McCann,
Eaton,	Neligh,
Grenell,	Parker,
Hinman,	Price,
Kenaston,	Scofield,
Lake,	Speice,
Ley,	Weaver,
Maxwell,	Mr. President.—16

So the section was adopted.

The secretary read the next section, as follows:

Sec. 4. The legislature shall provide in all cases when it may be necessary to sell real estate for the nonpayment of taxes, or special assessments for state, county, municipal or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county having authority to receive state and county taxes, and there shall be no sale of property for any of said taxes or assessments, but by said officer, upon the order or judgment of some court of record.

Mr. PHILPOTT. Mr. President, I move to strike out section 4 and insert this amendment, which I send to the secretary's desk. What I desire is, that the officer whose duty it is to collect dues on unpaid taxes should do so upon the order or judgment of some court of record.

Mr. THOMAS. Will the gentleman permit me to ask a question?

Mr. PHILPOTT. Yes, sir.

Mr. THOMAS. Suppose I own property in four or five different towns; as sale is made on this property, which is so located, on the same day, how can I attend to the sales at the same time?

Mr. PHILPOTT. I don't see but what that difficulty may occur under the section as it is. The thing I desire is this: that the officer whose duty it is to make the sale of property on taxes may collect the money under the order of some court of record.

The secretary read the substitute, as follows:

The legislature shall provide in all cases when it may be necessary to sell real estate for the nonpayment of taxes, or special assessments for state, county, municipal, or other purposes, that all sales of property for any of [said] taxes, shall be by the officers whose duty it is to collect such taxes, upon the order or judgment of some court of record.

Mr. HASCALL. Mr. President, in cities of the first class, sales are made by the city collector, and the returns are not made to the county treasurer. There was always a hitch between the county treasurer and the city treasurer in our city. There is no reason why the collector of taxes should not have the right to make the sale. The gentleman from Nemaha (Mr. Thomas) asks if he can be in two places at once to attend to the sale of property he may have there. Of course not, but it don't occur very often that a man has property sold for taxes in two places at once. Then, again, let him pay his taxes, and this land would not be sold; or, if taxes have been illegally imposed upon him, let him make the proper showing.

Mr. ROBINSON. Mr. President, I move to strike out, in the fourth line, the words, "having authority to receive state and county taxes."

Mr. MASON. Mr. President, I will state—

Mr. HASCALL. Mr. President I call the gentleman to order; he has spoken once and has no right to speak again on this subject.

Mr BALLARD Mr President, I hope this convention will do just as it has been doing vote down all the amendments Douglas and Lancaster counties can offer

The PRESIDENT pro tempore The question will be upon striking out section four

Mr ROBINSON Mr President, I moved an amendment, to strike out in the fourth line, the words, "having authority to receive state and county taxes It seems to me that it makes no difference whether the state taxes the property or the county taxes it I would like to see this rule applied to all taxes Cities of the first class have an officer who collects taxes.

Mr MASON I desire to say to the convention, that this section, in my judgment, is framed with great care and skill I will state briefly why Now the same person is authorized to collect the taxes and then he distributes to the different counties It secures the speedy and prompt collection of the taxes and then the money is distributed to the various municipalities to which it belongs

Mr ROBINSON I withdraw my amendment

Mr HASCALL Mr President, I move an amendment

The secretary read the amendment as follows

To strike out all after the word county in the second line, and before the word purposes in the third line, and insert the words "township, precinct, school district or road district"

Mr ESTABROOK Mr President just one word in regard to it I had forgotten that cities of the first class had this authority For my own single self I would oppose putting the sale of taxes into the hands of more than one person in the county, and I would have him give bonds for the faithful performance of that duty, and that he should be charged with the sale of all real estate

The PRESIDENT The question is on the amendment of the gentleman from Douglas (Mr. Hascall)

The ayes and nays are demanded. Secretary, call the roll.

The vote was taken and the result announced, ayes 5, nays 28, as follows

YEAS

Granger,	Phipott
Hascall,	Wakeley 5.
Myers,	

NAYS.

Abbott,	Newsom,
Ballard,	Reynolds,
Boyd,	Robinson,
Campbell,	Shaft,
Estabrook,	Sprague,
Gibbs	Stevenson,
Gray,	Thummel,
Griggs,	Thomas,
Kenaston,	Tisdel,
Kilburn,	Towle,
Lyon,	Vifquain,
Majors,	Weaver,
Mason,	Wilson,
Moore,	Woolworth 28

ABSENT OR NOT VOTING

Cassell,	Maxwell,
Curtis,	Neligh,
Eaton	Parmele,
Grenell,	Parker,
Hitchcock	Price,
Kirkpatrick,	Scofield
Lake,	Speice,
Ley,	Stewart,
McCann,	Mr. President.— 13
Masderson,	

So the amendment was not agreed to

Mr. MASON. I move to insert the word such before the word proper in the fifth line.

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on the adoption of the section.

Section 4 was adopted.

The secretary read the next section, as follows:

Sec. 5. The right of redemption from all sales of real estate for the nonpayment of taxes, or special assessments of any character, whatever, shall exist in favor of owners and persons interested in such real estate for a period of not less than two years from such sales thereof; and the legislature shall provide by law for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: Provided, that occupants shall in all cases be served with personal notice before the time of redemption expires.

Mr. MOORE. I move to strike out the section.

The motion was not agreed to.

The PRESIDENT pro tempore. The question is on the adoption of the section.

Section 5 was adopted.

The secretary read the next section, as follows:

Sec. 6. The legislature shall have no power to release or discharge any county, city, township, town, or district, whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

Mr. VIFQUAIN. Mr. President, I moved a new section to be inserted here.

The PRESIDENT pro tempore. That section will be taken up.

Mr. MASON. Mr. President, I move a substitute for the one reported by the committee. I will read it.

"All property, real, personal, or mixed, within the jurisdiction of this state, shall be listed and taxed, except as otherwise provided in this constitution; and the legislature shall provide by law for carrying into effect this provision."

I offer that as a substitute instead of the one reported by the committee. This was unanimously agreed upon by the special committee.

The section was adopted and numbered seven.

The secretary read the next section, as follows:

Sec. 8. All taxes levied for state purposes shall be paid into the state treasury.

Section 8 was adopted.

The secretary read the next section, as follows:

Sec. 9. County authorities shall never assess taxes, the aggregate of which shall exceed two dollars per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

Mr. NEWSOM. Mr. President, I move to strike out the word two in second line and insert "one."

The motion was not agreed to.

Section 9 was adopted.

The secretary read the next section, as follows

Sec 10 The legislature may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise for other corporate purposes All municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same

Mr ROBINSON Mr President, I move to strike out all except the words contained in the last period of the section

Section 10 was adopted

The secretary read the next section, as follows

Sec 11 The legislature shall not impose taxes upon municipal corporations, or the inhabitants or property thereof for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

Section 11 was adopted.

The secretary read the next section, as follows

Sec 12 No person who is in default as collector or custodian of money or property belonging to a municipal corporation shall be eligible to any office in or under such corporation The fees, salary, or compensation of no municipal officer, who is elected or appointed for a definite term of office shall be increased or diminished during such term

Section 12 was adopted

The secretary read the next section, as follows.

Sec 13 The legislature of the state at its first session shall provide by law for the funding of all outstanding warrants and other indebtedness of the state, at a rate of interest not exceeding ten per cent per annum; and all counties, cities, towns or other municipal corporations may fund their outstanding indebtedness in bonds, bearing a rate of interest not exceeding ten per cent per annum, in such manner as the legislature may provide.

Section 13 was adopted.

The secretary read the next section, as follows

Sec 14 The governor, auditor of state state treasurer, and members of the state senate shall constitute a board of equalization, and shall meet at least once in each year, for the purpose of equalizing the assessment of property throughout the state.

Section 14 was adopted.

Mr. ABBOTT. Mr. McCann left with me two sections to be introduced in case he was absent This is the first one.

The secretary read the section, as follows

Sec The bonds issued by counties, cities, townships, or other municipal corporations, for internal improvements, shall be registered with the state auditor, and the interest and principal due thereon shall be paid into the state treasury

Mr ABBOTT. I will state that I understand the effect of this section in other states has been to increase the negotiability of those bonds and make them bring higher prices in the market.

Mr BOYD I am opposed to the section for one reason, and that is

that if this process is carried out it will make the state an endorser of the bond. I prefer to leave them just as they are.

Mr. ROBINSON. I would like to hear from the mover of this section, what in the world it is for. I see no advantage to be gained by the state, to the bondholder or the state, by the section.

Mr. ABBOTT. I will inform the gentleman that the information I received from Mr. McCann was, that it will make those bonds negotiable and subject to regular call, the same as other bonds.

Mr. NEWSOM. Then the effect of that would be to make the state the endorser of those bonds, and if that is the effect, I am opposed to it.

Mr. KIRKPATRICK. This is all right. I think the gentlemen who hold these bonds ought to see to the collecting of them, and do all that is necessary in the premises. If there is no responsibility imposed upon the state, and it can be shown this would be just and expedient, I am agreeable to it.

Mr. ESTABROOK. I think I can imagine, sir, why such an amendment as this is offered. I know it has been usually the case that whenever bonds have been issued, they have been required to be paid in different localities; and when they fall due, it is not always known where the bonds may be found upon which to make the endorsement. I supposed it was for greater convenience to know where to find these things, and have the payment made in a proper manner, and that the bondholders themselves might know more accurately where to find them and meet their obligations. And, while there might be some good in such a measure, I am not prepared to vote for it, unless it should pass under the supervision of a committee who should explain what its object was. If Mr. McCann was here to make the explanation, I presume he could explain wherein it contained considerable merit.

Mr. GRAY. I do not like this proposed section. It may be that the effect of such legislation as is proposed by it would have a tendency to involve the credit of the state. That is illegal. The real objection I have is this. Now, sir, so far as the place where the bonds are to be paid is concerned, there is no trouble about that. The people of the counties or towns have it in their power, when they vote these donations, to fix both the time and place of payment, as, for instance, they can provide in the submission of the proposition that the bonds shall be paid at the treasurer's office in their county; and they have done that in many instances; and they have done so for the purpose of avoiding the inconvenience of making their payments elsewhere. And when they determine the time and place it is a contract between both parties. There is no need of law upon the question; and I do not believe it is necessary to have a provision in the constitution upon the question. I do not think it would be wise to make it payable at any given place in the state, but I think it is better for all concerned—at the office of the county treasurer in the county where the indebtedness arises.

Mr MASON I am opposed to the adoption of this section for several reasons The first is, that in the counties of Otoe and Cass, there now lies considerable money, which has not been paid over for certain causes which has been collected as interest upon those bonds, and it transfers that money from the hands of the local treasury to the capital and to the state treasury I am opposed for another reason, that while this money much of it, is tied up by an obligation for injunctions, and in no case has an injunction been decided, but the auditor has refused to pay it and there is a very considerable amount now in the treasury of Otoe that might be paid, and it remains there instead of being paid into the state treasury, until that question may be settled. That is my first objection My second is that it furnishes the state officers an opportunity to handle it, and it is but the entering wedge to the final securing of the state's endorsement and liability This is made obvious when it is admitted that it gives additional security to the bonds It is a sort of quasi state endorsement, for the state undertaking to become a trustee to handle this money for the benefit of the bondholder

These, then, are my reasons Let the state keep its hands off let railroad companies and the municipalities settle that question between themselves as shall best serve their convenience Why mix up the state with the transaction? Why bring the money here, if there is no "cut in the meal," and no man to use it for banking, or other purposes? Why not leave it in the city of Omaha?

Mr ABBOTT The bonds of our county (Hall) are made payable in New York city.

Mr MASON Another objection strikes me If Hall county, or any other county, is to pay the interest on her bonds in New York city, we have no right to say she should not.

The PRESIDENT pro tempore The question is upon the adoption of the section offered by the gentleman from Hall (Mr Abbott). The convention divided, and the section was not adopted

The PRESIDENT pro tempore The other section offered by the gentleman from Hall (Mr Abbott) reads

The legislature shall provide for a board of equalization consisting of at least nine members for equalizing the assessment of property throughout the state

Mr ABBOTT Mr President, I will say that while I introduced this section at the request of Mr McGinn I have doubts about the feasibility of it They had a large board of equalization in New York, and I understand that in the equalization of the assessment the members of the board each worked for the benefit of his own particular section In this way the provision would create trouble

Mr. MOORE. Mr. President, I think this section is entirely unnecessary. It is taking work out of the hands of the legislature.

The PRESIDENT pro tempore **The question is upon the adoption of** the section proposed by the gentleman from Hall (Mr Abbott)

The section was not adopted.

Mr. ROBINSON. Mr. President, I wish to amend the section offered by the gentleman from Otoe (Mr. Mason).

The PRESIDENT pro tempore. If there is no objection made the gentleman can offer his amendment. "Object! Object!"

The PRESIDENT pro tempore. The only way to reach it, then, objection being made, is to reconsider the vote by which section 3 was adopted.

Mr. THOMAS. Mr. PRESIDENT, I move it be reconsidered.

Mr. MASON. Mr. President, I think my friend from Lancaster (Mr. Robinson) has fallen from grace. I think that the section provides that the enhanced value which accrues by planting trees, hedges, and orchards upon a piece of land should not be taken into consideration in the assessment of taxes. It seems to me that, in this, we have adopted a just and right rule. I do hope that this section may not be reconsidered.

The section was very unanimously considered in committee of the whole.

Mr. ROBINSON. Mr. President, I desire to say to my friend from Otoe (Mr. Mason) that I have not fallen from grace. I am satisfied that the section is wrong in principle. As I said before, the taxes must be paid by somebody. Now, sir, these trees are either for ornament, or for use. If they are for use, the owner should pay taxes upon them, the same as he does upon his hogs or cattle, and if he is extravagant, and wastes his means in ornamenting his place, he should pay taxes upon it. Of course I don't think that the agriculturalists cannot complain that their property is assessed too high. I think that they ought to be taxed upon their improvements. In town, personal property is generally assessed at its full value. I know that from actual observation. I see no reason why the property of farmers should be exempt from taxation. Somebody must pay taxes upon these improvements.

The PRESIDENT pro tempore. The question is upon the reconsideration of the vote by which section 3 was adopted.

The secretary called the roll.

The President announced the result, yeas 12, nays 24, as follows:

YEAS.

Abbott,	Robinson,
Boyd,	Stevenson,
Campbell,	Sprague,
Majors,	Thomas,
Myers,	Thummel,
Newsom,	Woolworth.—12.

NAYS.

Ballard,	Manderson,
Cassell,	Moore,
Gibbs,	Parchen,
Granger,	Reynolds,
Gray,	Stewart,
Griggs,	Shaff,
Hascall,	Tisdel,
Kenaston,	Towle,
Kilburn,	Vifquain,
Kirkpatrick,	Wakeley,
Lyon,	Weaver,
Mason,	Wilson.—24.

ABSENT OR NOT VOTING.

Curtis,	McCann,
Eaton,	Neligh,
Estabrook,	Parker,
Grenell,	Philpott,
Hinman,	Price,
Lake,	Scofield,
Ley,	Speice,
Maxwell,	Mr. President.—16

So the motion to reconsider was not agreed to.

The PRESIDENT pro tempore. The question is on ordering this article engrossed for a third reading

The motion was agreed to

The President (Mr Stricklan) resumed the chair

Mr WAKELEY Mr President There is a proposition reported by the committee on representative reform This proposition was voted to be referred to the committee on schedule, but came back to the committee under some informality. I hope it will be taken up now and allowed to take this course and if there is to be any fight made on it, it will be when it returns from the committee on schedule

The PRESIDENT The proposition will be taken up if there is no objection

The secretary read the proposition as follows

Proposition.

At any election, when three or more persons are to be elected to the same office by the same constituency, each qualified voter may cast as many votes for any candidate as there are persons to be elected to such office or may distribute the same or equal parts thereof, as he may see fit among the candidates, not exceeding the number to be elected The candidates highest in votes shall be declared elected or if an equal vote for two or more having the required vote number shall require it, the choice between them shall be made by lot

Mr GRIGGS I move that this proposition be indefinitely postponed I would not say anything upon this important question were it not that but little has been said upon the subject by those who are opposed to minority representation I am opposed to this scheme, of mushroom growth, for very many reasons I am opposed to it because I do not believe it to be consistent with true public policy It is an old democratic saying, that, 'the majority shall rule' it is a saying or rather, an axiom that has been reechoed by Calhoun, Webster, Clay and all the great statesmen who have left the evidence of their wisdom upon the pages of history The theory of minority representation presupposes that all the electors of the state are classed into two parties, namely, democratic and republican This is a wrong basis to start from Pure minority representation or proportional representation as called by the gentleman from Douglas, (Mr. Wakeley) can not be had except by allowing every elector in the state to come to the capital in person, and be his own representative for no person can truly represent the views of another, it is a moral impossibility for a man of any original views of his own to represent the views of another person But, in view of the fact that all cannot be directly represented by those of their own way of thinking it has been proven by the experience of time and the wisdom of ages that when a majority can agree upon any one thing, the wish of the majority should be the law.

The wish of the majority was unquestionably the rule of right when the democrats had the reins of government in their hands for so many years. It was right that the democratic party should administer the affairs of the government until the minority should increase in numbers

and become the majority and bid them take a back seat. Whenever the republican party shall have performed its mission and shall then lapse into immorality and corruption, then will another party spring into existence and hurl the corrupt barnacles from their throne of power. As the warm sunshine, that enervates and gives life to all animated nature, at last breeds pestilence and death, so the majority at first rules in justice and right, but at last becomes corrupt, and the government trembles and staggers beneath her load of political dishonesty and impurity. And as the storm purifies the atmosphere and brings health to our physical body, so also does the minority, as in the past, rise into power, and, becoming the majority, bring health to the body politic. Now, Mr. President, I deny that minority representation should be the rule, or that it brings about the end desired by the gentlemen who favor it. In this government of ours, the very foundation stone is, that the "majority is right," and ought to rule. Whenever the views of the minority become popular and ought to be the law of the land, then the minority ceases to be such, and at once becomes the majority. Minority representation would drive every person into the political ranks, notwithstanding that such would be a great evil to the state. In the election of representatives, very frequently it would happen that a man who claimed to be a democrat would better represent even the republicans themselves than a republican, for a larger portion of the work of a representative has nothing to do with politics; and yet minority representation recognizes naught but party and not principle, and the issue in every case, being purely political, under the new regime, the true interests of the state would be lost sight of in representative elections. Minority? Why, Mr. President, they beg the question when they pronounce the word minority. Why are they the minority? If their principles were right, would they not be embraced by the honest, hard working people of the land? Most assuredly yes. Let the minority convince the people that they are right, and at one bold stride will the minority advance on to victory, and become the majority. Until that time, let the will of the people be the law of the land. The gentleman from Douglas (Mr. Wakeley) calls minority representation "proportional representation." Let us see how this is. Suppose that there are ninety democrats, one hundred republicans, and ten who are neither democrats or republicans in a certain representative district in which three representatives are to be elected. The one hundred republicans elect two delegates, the ninety democrats elect one delegate, and the remaining ten have no voice whatever in the election of the three delegates. Is this proportional representation? In order to apply this new theory, twenty delegates would have to be elected in the district, then the ten could elect one delegate, the ninety democrats could elect nine delegates and the one hundred republicans could elect ten delegates. This would be "proportional representation" in its pur-

ity. Or what would be better yet, let all of the two hundred persons attend the legislature in person. Or, suppose the one hundred should cast one hundred votes each for three representatives, and the ninety should cast their three votes (270 in the aggregate) for two representatives, giving each of their two candidates one hundred and thirty-five votes. In that case the ninety would elect two delegates, the one hundred would elect one delegate, and the ten would elect none. How is this for minority, or proportional representation? Give us the old democratic principle of "the majority shall rule" in preference to such a monstrous [illegible].

Again, Mr. President, the minority plan would be offering a premium to bribery and corruption. The corrupt moneyed politician, who would have to bribe three hundred [illegible] in order to secure an election to office, would find it much easier to find one hundred voters who would cast their three votes [illegible] him, and it is elect him to the desired position, than he would to find three hundred persons who would, through corrupt influences, deposit their single ballot and elect him to the office as in the first instance.

Under the minority representation plan, rings would be formed and corruption would be at par, for every man purchased would cast three votes, which would enable the unscrupulous moneyed politician to always secure an election to office. It would be a very different thing if a man only had one vote than if he had three, in a corrupting point of view. Mr. President, some seem to think that the republican party only are opposed to minority representation. I think this is a mistake. I feel satisfied that the entire western part of the state is opposed to it; for, to apply the principle in the sparsely populated portion of our state, several counties would have to be formed into one representative district, in which three representatives would be elected; this would be substantially our old system of "floats," so repugnant to the people, and if anything would defeat the constitution, it would be to reinaugurate the old system of floats, the curse of our state in the past. Again, political parties are changing, and the republicans in power today may be changed to the democrats in power tomorrow. Who knows what the next election will bring forth? Much less the changing scenes of the next twenty years to come, when our constitution will perhaps still be in existence. In looking over the history of the political parties for the past few years, we find that change has been the rule, and not the exception; and although some may think that this opposition to minority representation is from the republicans alone, yet any careful observer will say that it is not a political question at all, but simply one of public policy and justice. I cannot, in view of what I consider to be right, vote for what I consider to be this bull-bug minority representation. But, Mr. President, I have been asked, "What harm can there be, in submitting this question to the people to be voted upon?" I answer that, why not submit every disputed question to the people to be

NAYS.

Abbott,	Myers,
Gibbs,	Reynolds,
Granger,	Sprague,
Gray,	Stewart,
Griggs,	Thummel,
Kenaston	Tisdel,
Majors,	Weaver,
Moore,	Wilson.—16.

ABSENT OR NOT VOTING.

Curtis,	Maxwell,
Eaton,	Neligh,
Grenell,	Parker,
Hinman,	Price,
Lake,	Speice,
Ley,	Mr. President.—13
McCann,	

The PRESIDENT. The question is upon suspending the rules and be referred to the committee on schedule, to be submitted as a separate article.

The article was so referred.

Mr. ABBOTT. Mr. President, I move that the section I offered, to be incorporated in the report of the committee on revenue and finance, be referred to the committee on counties.

The PRESIDENT. It will be so referred, no objection being made.

Adjournment.

Mr. BOYD. Mr. President, I move we adjourn until eight o'clock this evening.

The motion was agreed to.

So the convention, at six o'clock and three minutes, adjourned.

Evening Session

The convention met at eight o'clock and was called to order by the president.

Leave of Absence

Mr. WOOLWORTH. Mr. President, I desire to ask leave of absence for the committee on revision, with the understanding that we are to be sent for whenever a vote is taken.

Leave was granted.

Female Suffrage

The PRESIDENT. The special order for the evening is the substitute offered by the gentleman from Otoe (Mr. Mason).

Mr. PHILPOTT. Mr. President, having yielded the floor last evening for the purpose of an adjournment, while section two of the article on right of suffrage was under consideration, I find that the same subject comes to us this evening in a new section offered as a substitute for that section. The new section offered proposes the extension of the so-called right of suffrage to females of the state under a general law of the legislature, not, however, to be in force until the same shall have been submitted to a vote of the electors and the class to be enfranchised, and the same shall have received a majority of the votes cast by each of the classes voting thereon. Sir, as to the form of the proposition, I find it objectionable to me in this, that the matter of determining the question of making females electors has to pass through an unusual ordeal. two chances being to defeat it. Not like other matter submitted to electors which have only to obtain one majority, this is required to obtain a majority of each of the classes to whom it is to be sumbitted, two chances being to defeat it. But, sir, I propose to turn this objection to the proposition to meet the argument of gentlemen on this floor who say that the females of this

state are not by petitions asking to be enfranchised I say, sir, that the advocates of this proposed amendment by it do not propose to enfranchise females until a majority of the males and of the females shall by their votes demand the ballot for the class to be enfranchised I submit, gentlemen, if it is possible to present a matter of the character of the one under consideration more fairly Are gentlemen determined by their actions here to say that they can so far divine the future that that they can provide, not only for the present, but also for the long years through which the constitution may run, a perfect system of electoral representation, and at the same time say that one class of our citizens entitled to every civil right of the government shall not be a part of the great electoral department of the commonwealth? It does seem to me that it would be the part of wisdom for this convention after first providing for the electoral representation as it may now seem to be required, then to further provide for such extension of the elective franchise as the majority or majorities of the people may, from time to time, solemnly proclaim As I stated yesterday evening, gentlemen object to the extension of suffrage to females, **as they say, because it will have a** demoralizing influence on them, and wholly unfit them for that high estate which nature has assigned them These assertions stand before this convention as fancies of those by whom they have been made unsustained by the experience of the past or any argument of those who affirm them Sir, why should it have a demoralizing effect on any class to have an equal voice in choosing their rulers and in determining the laws by which they are to be taxed, to be tried for life, or deprived of liberty? Is this great symbol of citizenship, the ballot, which alone is the real guaranty to every civil right, demoralizing, degrading in itself? Gentlemen dare not affirm it. The ballot elevates it does not degrade The evil to which gentlemen advert is not in the ballot, it is in the male electors, who, as a class, are more or less degraded, while in the exercise of the elective franchise, because they are deprived of the presence of their mothers, their wives, sisters and daughters Extend suffrage to females and the effect at the polls would be to elevate the character of election days, as well as every male elector and no more at the expense of those, our dearest friends, than their presence with us in the lecture room, the concert, at the agricultural fair, and the celebration of our nation's birthday—places to which every class of males may come and go as they choose.

I demand that suffrage shall be extended to females for the reason that they have not an adequate representation in the electoral department of this state As evidence of this, I cite the undeniable facts, that in this state she has not fair wages for her work has not a fair field to work in, the law with all its freedom does not place her on the same footing as to property that it does males. She has no voice as an elector in the making of the laws which

in making the laws which regulate her martial union, no voice in the law which severs that which the admonition is, not to sunder which God hath joined together.[9]
The motto of our state is, "Equality before the law." This can no more be among us with woman disenfranchised than in our nation all men were free and equal while there were more than 3,000,000 slaves in the land.

The great objects sought to be obtained by the friends of the extension of suffrage to the long neglected class may meet here a temporary defeat, but, sir, the beams of the light of reason, bearing with them the all conquering power of justice, will finally disperse the darkness of prejudice which now blinds the pathway of many. No power can stay the rising social upheaval which is now marking the approach of a new hemisphere of humanity, which with its own elevation, will be the rise of man out of many of the cesspools of vice and degradation. With us there are no terms of compromise until woman shall have "complete emancipation from all political disabilities, and all legal social and industrial inequalities" and she stand with men clothed with 'Equality before the law."

Mr. WEAVER. Mr. President, the question of suffrage I deem one of great weight; and more especially should this subject receive the thorough consideration of this body because by the exercise of this wonderful power the whole nation is moved: by its discreet and proper use we are made prosperous and happy; or by its indiscreet and improper use we are made miserable and sorrowful. I say, by the exercise of this great primary power, measures are adopted which completely revolutionize governments, not only state, but national, which bring about wars—yea, bloody, rebellious wars. The great question here to be settled is that of female suffrage, and I do not wish to dispose of this question by the use of the arguments generally advanced pro and con, viz: that those who favor female suffrage are effeminate and weak-kneed and not entitled to the least consideration: nor that those who oppose it are oppressive and selfish. I am fully aware that this question of late has, and still continues to obtain considerable favor among certain portions of the community; but, regardless as to what others may think upon this subject, I wish to take a positive stand against it in every shape, form and manner. But, you say, "Why not have female suffrage in this age of progression?" You tell us that since the creation of the world up to the present time there have been great developments and great discoveries, and now, that the world appears to be in the full sunlight of knowledge, to have reached the pinnacle of human grandeur, and that there appears to have been light thrown upon every subject that can conduct to the prosperity and happiness of mankind. And while these great developments have been inaugurated and carried out under the governments of men, why, now, that

9. "What therefore God hast joined, let not man put assunder."—Matthew, 19:6.

we may appear to be men of great wisdom, shall we not set something afoot now on foot something which if it evince no wisdom will, at least, show novelty and thus be the cause of immortalizing this body. Ah! but there are a thousand reasons why and, first of all, that we were sent here to perform a sacred duty. Here to exercise our best judgment and, if our worst here, I say, to lay the foundation or at least, to attempt to lay the foundation, to what we hope may prove to be a prosperous government and not to create by our very means by which that government may be overthrown.

I would ask gentlemen who are trying to press this measure upon this convention whether they have as yet considered the first principles of government, or whether, by their ceaseless efforts upon this subject they are only anxious to gain prestige and notoriety among those classic maidens who are fishing for political glory?

But some will ask, "What do I (you) mean by first principles of government?" Let me explain. We say that a republican form of government is that where in the majority rules, and that if the minority should ever seize the reins of government there would be a speedy and powerful uprising which would terminate only when the minority should become content to be governed by the majority. And here let me advise all female suffragers to get down deep into the meaning of this word majority and the question arises why do majorities rule? You may say, by virtue of the fact that with majorities is supposed to rest the wisdom of the nation. I admit this to a certain extent. But there is a greater reason why majorities rule and is by virtue of the fact that with the majority rests the power, the bayonets, the military strength of the nation, so that as a last resort needs be they can enforce by the arms the very principles they have advanced by their ballots. Let the idea once obtain, and with reason that the majority could not by any possible means enforce their measures if it should come to the last resort and how long would the minority rule? Can we not all recollect that not very long since, the chivalry of the south, though much less in number, rose up against the minions of the north and were enthusiastic in the idea that they could overpower their superior number? But they were subdued; and this was conclusive that majorities must rule. And now I repeat again that a republican form of government is based upon the idea that majorities rule but upon the idea, only from the fact that with the majority is supposed to rest the power] to enforce their rights if they should be called in question. And now, Mr. President, this question of female suffrage the whole idea of a republican form of government: I say, that it proposes to do away with the idea that the military strength of the nation which is always the last resort resort, rests with the majority. For example, let us suppose that upon any given question that may arise to be balloted upon and in this illustration, we will suppose that the number of

female voters are just equal to the male voters, and that three-fourth of the females shall vote upon the one side, and just enough more than one-fourth of the males upon the same side to make a majority of all the votes cast. And now, we will further suppose that the vexed question upon which the ballots have been cast leads to a bloody war. Such being the case, where is the strength of the majority to carry out the measures that have been set on foot by the ballot. Those that were the minority at the polls have then three-fourths of the millitary strength of the nation, a minority at the ballot box, but three to one upon the battle field. And is it possible that we have thinking men who will insist on encouraging such a state of affairs as this —holding out such encouragement to sedition, revolution and rebellion?

The strike that is being made is at the very foundation of our government, and it will not do to even give encouragement to so wild a scheme. I am aware that some will, in their attempt to get around this argument that the introduction of female suffrage need not necessarily do away with the idea that the military strength of the nation rests with the majority; for the very idea of female suffrage is that females shall be on an equal with males in all the avocations [vocations] of life, civil and military; and, as an illustration of the military glory that women have won, they will tell us of the renowned Boedicia [Boadicea] who led on the Britians [Britons] against the legions of Caesar; and they will tell us of the renowned story of Joan of Arc; and, in fact, they will go all through heathen history to gather up arguments to show that woman is naturally a great military character; and all of their illustrations will develop no other fact, only that this proposed step is not a move in the advancement and enlightenment of the world, but a long stride back to heathenism.

This great attempt to do away with all distinction between male and female is a thrust at the laws of nature. Tell me that woman with her delicate organization, and with the already great responsibility of rearing, educating and looking after a family of children, has another great duty to perform which she has long neglected, that of entering into the excitement of political life, of managing the great affairs of government, and I tell you there would [be] quite as much sense in attempting to make it incumbent upon man to do the housework and take care of the babes. God himself has already fixed the spheres of the sexes by the different constitutions and organizations which he has given them; and why attempt, at this late day, to reenact the laws of God. And now, the question arises, by whom has this movement been set on foot? So far as males are concerned, I claim it has been by demagogues, men who have been disappointed, and who hope, through some great revolutionary step, to ride into power and posit on, and thus be in the full realization of their youthful dreams. And, as to women who have been engaged in the movement, they are barren, fruitless women, women who,

had they obeyed the injunction of the Bible which says 'Multiply and replenish the earth,' would have done much more to build up this great Western wild than in this scheme.

And now, I have an example for mathematicians. If this proposed measure be carried out, tell me what it would add to the mortality of infants, babes unborn? We all know that the great evil of the day, and more especially among this very class who always wish to be on exhibition is that of giving no issue, of murdering their children that they may always appear in society. And now, if some women, when there is nothing that calls them into public life are guilty of such infamy, what will be the state of affairs when this bounty or premium by calling them into public life is offered as an inducement to such vandalism?

Answer these grave questions, you wise female suffragers, answer them in a briefly and not in jest. Under the present state of affairs you would think it a very improper place for your wives and your daughters to be in the court room, during the development of certain cases that of rape for example, and yet you propose to set on foot a system by which these very ones, surrounded by all the vulgar characters of a county, are to examine into these very crimes and may often be upon a jury with eleven men, and there to remain, locked into a jury room through the whole night.

Reformation is the watchword of this army of female suffragers; and, as used it has no meaning, for if you have made any assertions as to what you will do, you have not shown us how you can do it. The best men of the nation have, since the beginning of this government, [been] using their every effort to improve and elevate our national character, and they have been successful to a certain extent. And now, is this great movement to furnish brains to accomplish that which our great statesmen have been inadequate to accomplish, to peer deep down into those subjects which men have failed to fathom? If this be the idea, then I would answer that it is a physiological fact that woman has not the brain, nor the nerve to engage into the examination of those great questions that man does. But, if you say that it is virtue you wish to introduce into politics, then I could answer that virtue is safest **where least exposed.**

And now you mathematicians, I ask you to give an estimate as to the mortality of infants, babes unborn. We all know that the great evil of the day is that of giving of no issue amongst a certain class. And now I ask for the estimate as to the amount this evil will be multiplied if this provision is carried into effect. These are things to be considered in this matter, and if there are certain **women who are guilty of such infamies** now, what will be added to them if this provision shall be adopted? I tell you now, gentlemen, you must treat these questions fairly and **squarely.**

Under the present state of affairs we would consider it very improper **during the development in certain** cases in our courts to have our wives

should quote from the defunct statute from the defunct state of Virginia, and I am sorry he should have used arguments which no one else would have used.

I am sorry that a gentleman possessing the intelligence of the gentleman from Otoe (Mr. Mason) should use these arguments. Now, with regard to this question, I am willing it should go to tne people of the state, to say whether those now using the elective franchise shall be the only ones allowed to use it. We should treat this quest on as we have treated other questions which have come before this convention. The truth is, we have never given women a chance to say whether they want to exercise this right or not. They should be brought up to the point, and then they will stand by the platform themselves.

Mr. STEVENSON. Mr. Chairman, the question that is before the convention tonight, for consideration, is one which is up in church and state; up in senate hall and sabbath school; up in the court room and at the communion table; up at every fireside and school house; up in the deep dells of Scotland and in sunny Italy; up among the mountains of Switzerland and on the vine-clad hills of France. It is a question in which the people are manifesting considerable interest, from the great lakes of the north to the southern gulf, and from the rock-bound shores of the Atlantic to the golden sands of the Pac fic.

As I sat in my seat and listened to the arguments of the advocates of the cause of female suffrage, for the past few evenings, it suggested itself to my mind that these gentlemen who are advocating this cause must be a part of the antediluvian giants of old who, being so tall that the waters of the deluge did not drown them, therefore they appear before the members of this convention tonight, and are trying to make us, who sit on these seats as the great reservoir of American l berty. Grecian fame, and Turkish polytheism, we who use the swing, the great flail of justice over the people of this state, majestic-like for a long time to come, we who are to descend the deep arcana of nature and dispose of this question with equiponderating concatenation in reference to its future velocity and reverberating momentum, should substitute for section 2 in the article on suffrage, which was stricken out by the committee of the whole, a section which is as follows:

The legislature may provide by general law for the extension of the right of suffrage to females of the state having the qualifications of electors other than that of sex, but no such law shall take effect, or be in force, until the same shall have been submitted to a vote of the electors and the vote of the class proposed by law to be enfranchised, and received a majority of the votes cast on that subject by each of the classes entitled to the right of suffrage, the male, and female proposed to be enfranchised by said act; and the legislature shall provide by law for taking the vote of the females aforesaid at their various places of residence

The gentlemen who are in favor of this substitute base their whole argument on the right of the women to vote, and they claim, as they are citizens of the United States, there-

fore it is unjust for us to debar them of the privilege of the elective franchise. I am, Mr. President, in favor of voting down any substitute which these gentlemen may offer for the section stricken by the committee of the whole, because we have in the article on future amendments provided a way by which the constitution may be amended, and if there is any portion of the community to whom the present electors wish to extend the right of suffrage, let the constitution go through the same course that it would have to if we were to change any other principle therein set forth. Why should we make a special provision in this particular case? I can see no reason founded in equity or justice. I do see though, why the opposition are so strenuous in regard to having this substitute carry. If they succeed in carrying this substitute the legislature will be harassed at every session with this question of female suffrage. Therefore, I wish right here, to put a quietus upon this matter, and we can accomplish this by voting down the substitute. The discussion of this question, Mr. President, has taken a very wide range. The gentleman from Douglas [Mr. Estabrook] claims that, as the fourteenth and fifteenth amendments of the constitution of the United States which declare that no state shall make, or enforce any law which shall abridge the privileges and immunities of the citizens of the United States, therefore it confers the right of the woman to the elective franchise. The privileges and immunities in the fourteenth and fifteenth amendments set forth are, to all intents and purposes, the same as those set forth in section two, article four, of the constitution of the United States. They are those privileges and immunities which, of right, belong to all the citizens of a free government, and which have at all times been enjoyed by the citizens of the several states, which are as follows: 1st, protection by the government and the enjoyment of life and liberty. 2d, the right to accumulate and hold property. 3d, the right of the citizen to pass through and reside in another state for the purpose of carrying on any vocation which said citizen may see fit. 4th, the right to bring and maintain suits in any of the courts of the state. These privileges and immunities do not, in any shape, manner or form, extend to the political rights of the citizen, because, under our form of government, each state has the right to say who shall and who shall not exercise the elective franchise. If these privileges and immunities did extend to the political right of the citizen, you or I residents of the state of Nebraska or any other state, as the case may be, could go into another state just before any election and cast our votes without regard to any law which they might have regulating the elective franchise. It is a clear proposition, that no citizen of the United States can vote, in any state who has not the required qualifications of the constitution of the state in which the right is claimed to be exercised, except as to such conditions in the constitution of the states which bar the right to vote to citizens resident thereon on account of race, color, or previous con-

dition. A state passing a law prohibiting a person from voting on account of sex, domicile, or minority is not a denial of a citizen to vote on account of sex, domicile, or minority. servitude, which are the only limitations in the constitution of the United States. We must, Mr. President, in the construction of the language used in this [the] fourteenth and fifteenth amendments of the constitution of the United States, apply the same rule that courts do in the construction of law, viz: that it must be construed, not only according to the letter, but also according to the spirit of it. Now what was the intention of congress at the time these amendments passed? Was it to give the elective franchise to citizens without regard to sex, domicile or minority, throughout the several states? Most assuredly not; but it was without regard to race, color, or previous servitude; and this is the only true construction, Mr. President, that can be placed upon it.

The advocates of this cause claim that because in England women have the right under certain restrictions to vote, therefore we ought in this country to give them the same privilege. I believe it is in England confined entirely to the single ladies. Can any one deny the injustice of such a law? There are thousands of men who are subject to all the law. They are compelled in time of war to strap on their knapsacks, shoulder their muskets and go forth beneath the rays of an almost tropical sun to fight for their country; yet they have not a word to say in the making of the laws which compel them to do this. The women are exempt from this duty—why this unjust discrimination? I will admit that there can be no law passed but what will work some injustice, but between two evils I always believe in choosing the least; and that law which exempts a person from fighting to sustain a government and denies them the right of the elective franchise is a less evil, and works less injustice, than to allow them the elective franchise and exempt them from fighting to sustain the government which grants them the privilege. But we are not here to insert a section because something of the kind is found in England. We are under an entirely different form of government, and are making laws suitable to our own peculiar circumstances. To extend to woman the elective franchise: why it should not be done.

Giving the elective franchise to the woman would be a terrible innovation upon the laws of our very being, and upon our customs whereof the memory of man runneth not to the contrary. It is recorded in Blackstone that when the people were in a pastorial state "the men used to get together and choose their tallest man governor,"[11] and so it has continued until the present day, with a very little deviation, that the men have had the governing power. I believe that it was ordained by the supreme being of the universe that man should have this power. No one can deny but what man is in every respect the superior of woman. This principle of superiority exists also throughout the animal kingdom.

11. Blackstone might have said something like that, but hardly in that way.—Ed.

Giving the woman the elective franchise would have a tendency to destroy that divinely ordained institution, viz the marriage ceremony It is true that anything which tends to stir up a dispute and sow the seeds of dissension or mars that harmony which ought to exist in any family between husband and wife - "A house divided against itself can not stand" The right of voting carries with it the right to hold office, and compels the party exercising the right to assume all the responsibilities which the persons now exercising the right have taken upon themselves which are as follows 1st, that of becoming soldiers in time of war, and 2d that of sitting in jury boxes, and many other duties too numerous to mention If they were to vote they must assuredly would have to perform these duties which she is not in any respect fitted to perform. But the opposition say that we have no right to tax them without giving them representation There is not a married woman in this country but what is represented by their husbands I state not if she owns millions of dollars worth of property, the husband has a certain interest in the wife's property under the law and the husband having that interest, there is not much danger of the woman's rights being infringed upon And further the interests of all women and men are so nearly identical so nearly one, that I think there is no danger at all of anything being done in legislation which will not inure to the benefit of woman just as much as it does to men. Finally, Mr. President, I really think that if the ballot was placed in the hands of women, the old American eagle, that stands with one foot upon the Alleganies and the other upon the Rocky mountains, whetting his beak upon the ice-capped mountains of Alaska, and covering half the southern gulf with his tail, will cease to scream and sink into the pits of blackness, of darkness concentrated, where the shrieks of lost spirits will forever echo and reecho through cavernous depths unknown and be no more forever

Mr MAJORS Mr President, in taking my place upon this floor in the discussion of this question, I wish to state (''Louder'') I will get up directly I wish to state in the first place that if we want to come to a direct and proper conclusion in our action we must first consider our government, the manner and form of the same Our government is based upon the principle of equal rights: this is the grand central idea that underlies the constitution of the United States Now, on that basis how would it be about extending the right of suffrage to the Presbyterian church as a class These gentlemen here would rise up against any such idea, as against the principles of our government Or we may take all the Christian denominations that we have any knowledge of and place the ballot in their hands as a class alone; but gentlemen would rise up and tell me that it is not in accordance with the principles of our government, but that we should have equal privilege for all and I believe the argu-

[1] Here the speaker strayed from the predicate of the sentence, and forgot to supply it

contended here that this, if extended, is going to moralize the world, that the morals of the world are going to be bettered, and that vice is going to be done away with throughout, and we may expect the millenium day soon to follow. But what is the fact in reference to this matter? What does history prove? I pick up a paper today and what do I see in reference to Wyoming, where they have tnis right extended to them. We hear her governor speak as follows: "When Mrs. Matilda Fletcher was in Denver, some weeks ago, she was assured by Governor Campbell, of Wyoming, that woman suffrage had effected astonishing improvement in their politics. But it has wrought no advantage to the morals of the people."

That is what Governor Campbell says. Where it has been tried it has wrought no advantage in the morals of the people.

Mr. MANDERSON, to Mr. Sprague. Governor Campbell was a lieutenant in the army with me. I had a conversation with him in Omaha upon this subject the other day, and his statement to me was of a very different character.

Mr. SPRAGUE. I can only speak of what I see in the papers. Now, sir, I have said all I wish to say. First, I am opposed to this being incoporated in this provision of our constitution from the fact that it establishes two ways by which this constitution can be amended or changed. In the second place, that it will keep the matter in the legislature and be a fruitful matter of difficulty therein. It should be left to some process of amendment. Third, I believe it is a violation of the order of nature that exists in the creation of the human family, and hence I am opposed to it in any shape.

Mr. ESTABROOK. How is it a violation of the order of nature?

Mr. SPRAGUE. Because, when man was created, he was endowed with a capacity to perform the rough and outdoor duties of life, and woman was created for the finer and higher duties that pertain to the family circle and also with other capacities.

Mr. WILSON. I do not rise to make a speech, but merely for information. Realizing in my heart and soul that the great advocate of women's rights is about to speak on the subject once more, as the subject has met with a little change, I would like to ask in the commencement a few questions. He advocates here that all women in the land are citizens. I call the attention of the convention to this, and I deny the argument, inasmuch as it is contradictory to the constitution of the United States. I am a foreigner, and so is my wife. I had to come up and declare my intention to become a citizen of the state ere I dare occupy the position I now occupy.

Mr. ESTABROOK. I will answer that.

Mr. WILSON. When I sit down and not before. (Laughter.) Now, these gentlemen advocate that women are citizens of the United States. They have not yet endeavored to enlighten us in what manner they became citizens. That is one ques-

tion A certain class of females who are only upon our shores for ten days you give them the ballot in three or four weeks (Laughter) Now I would like to answer the gentleman from Nemaha He maintains if women were enfranchised, they would shut up the grog shops I deny the right of the state itself to close them up as long as the United States receives revenue from them With those remarks, I will leave the floor for this able gentleman to tell me when the women have the citizenship (Laughter)

Mr ESTABROOK Mr President, It gives me great pleasure to answer any question propounded to me I wish I could I see a little more disposition on the part of those who oppose woman suffrage to allow me to answer them as they pass along No man has ever dared to ask me so much as a single question I think if they had, we could have elicited a good deal of information and thought But it gives me great pleasure to be able to answer the gentleman from Johnson (Laughter) In the first place, as I stated the other night, the question whether woman was entitled to the ballot under the fourteenth and fifteenth amendments of the constitution of the United States was submitted to the lower house of congress, and then referred to the judiciary committee The committee divided and there were two or three perhaps on the minority in favor of making a declaratory act fixing the ballot and the right to vote for women into those amendments and the majority of the committee reported adversely The matter never came up for consideration and was never settled, and will come up at the next session. Now, sir, this is the amendment —

Mr. BALLARD. I certainly understood the gentleman to say he did not want to speak any more on this question He has talked to us four hours, and I think he ought to wait I want to talk by and by (Laughter)

Mr ESTABROOK I hope there is no conspiracy between my friend Wilson and the amiable, good natured, sweet tempered, lovely dispositioned and charming republican from Washington (Mr. Ballard), Why did you call me out, knowing that I was liable to run into the gin? (Laughter)

This is the clause I will state for the honorable gentleman from Johnson "All persons" yes, sir, I will read that bit again for your amusement 'All persons" 'persons no trouble about that 'born or naturalized in the United States and subject to the jurisdiction thereof, and citizens of the United States Now, sir, she is naturalized in the first place by having been born upon the soil of the United States and the next place, perhaps, you can tell better than I can how she becomes naturalized before our courts You understand the process perhaps. And this provides that 'All persons born or naturalized in the United States and subject to its jurisdiction [to the jurisdiction thereof] are citizens of the United States' Now sir I will read you the first part of the minority report, and the majority

stand in battle line in defense of their country? No, God forbid! History furnishes no such example. It is man who are food for cannon and the carrion crow.

Mr. ESTABROOK. Does history furnish an example where cripples were marched to the front?

Mr. MASON. Yes, sir. History furnishes examples where one-armed men carried guns to the front, while two-armed men poured deadly missiles into the enemy. On last evening I had the honor to submit to this convention citations from Monteaquire, Bouvier, Burrel,[14] and others which says [say] that the right to participate in the formation of a government has no existence in nature; it is ordered by the power which forms the organic law, and is ordered as best suits the interests of the state. Those are not my words, but Bouvier's; and the question arises right here whether the best interests of the state are secured by giving woman these rights. A few words more, and I am done. I took occasion to say last evening, that I had the utmost confidence in the judgment, intuition and native good sense of woman. I took occasion to say that if a majority of the mothers of this state wish to vote, and so express themselves, that I was in favor of their being allowed to exercise this right; and I repeat that tonight. But, sir, how will you ascertain that? Not by discussing the question here, but by referring the matter to them, and taking their own opinion at their homes, and if they should say we ask for the investment of these rights, I would give them the rights they ask.

I, sir, would not allow the abstract right; and the question is whether this convention will say whether it will order its conduct so as to let the women express their views upon this subject. I for one expect to do so, but I expect that ninety-nine mothers out of every hundred will say it is not best that this right should be extended to them.

Adjournment

Mr. CASSELL. Mr. President, I move that we now adjourn.

The motion was not agreed to.

Female Suffrage Again.

Mr. KENASTON. Mr. President. Sir: I had not thought of making A speech on this subject tonight but, Sir, circumstences render it necissary and our Country expects every man to do its duty. Sir, the question under consideration is one of vast importance and involves of A very important Class of individuals in their sacrid their most sacrid rights. Thare are two Classes of individuals who are by nature intitled to the right of franchise. One of thease Classes have by organic law been unjustly, and with out their own consent been shut out from thease inherent privalagis: and yet, Sir, They are brought under all the obligations of the Laws Subject to taxation under the Laws Subject to its penalties boath civil and criminal. This Class, so subjected, is woman. Individual franchise is A privilage

14. The speaker probably referred to Montesquieu, the French jurist and publicist. Bouvier and Burrill—not Burrel, as the manuscript has it—were authors of law dictionaries.—Ed.

Sacrid to and saught after by all, and the establishing and perfecting this principal was the prime object of the Founders of this Republican government Viz to give equil rights to all And, sir, the first expression given to this idea may be found in the first Baces of our nationality the Declaration of Independence setting forth as A Baces of universal Rights and the ground work is A Broad and the declarations thare of are in the clearest light The Declaration of independence has this language That all men (A here let me say that I have not herd one individual during this discussion (contend) that the **term man did not apply to all man kind** The whole human family Now that it does not mean **Wooman** as well as man) It Sets up as its decalration of writes that all men are by nature free and equl This makes wooman if carried out equel in all the rights that man partosipates in among theose as the right of franchise to be exercised equl in all points equel with the man The next expression in that important Artical is that they are not only equl but **independent: that is each person** without exception have the abstract wright to stand for them selves and act for them selves and this would Secure to all and imbrace the right of Franchise **the right to vote** and by the exercise of this independant wright they may be Represented Thease wrights are inherent But from whoome did they inherent them Answer from **God** the Great Creator from whoome they received their existance. **He gave us all this wright and constituted us all the Lords of** creation. Now Mr Presidant Wooman being in natureal posession of thease right It should be hur privilage to exercise thease rights **uninfluenced and unrestrained. In** regard to this fundamental principal we all regard it as the first and only true Bases of government That to secure these wrights and the protection of property (and all have the write to obtain property) Governments are instituted among men deriving their just powers from the concent of the governed Now then they have the admitted wright to hold property and no man has pretended here on this floor that she has not the wright and if she has the wright to hold it She has also the wright to be Secured in its posession it is hur own and subject to taxation in hur own name She ought to have the wright and the privilage of representing herself and property and hur general interest In order for any man to be secure in the posession of thease thare must be combination people in order to this and from governments deriving their just powers from the consent of the governed The only practical mode of expressing concent is by the Ballott Then if woman is to be governed She as A class has thare right to consent object If so then She has the wright to vote this constitutes Representation without which **no person can be** secure Now Mr Presidant it is necessary to say Something of God ordained Power as it is set forth in the Declaratio Thare are two kinds of **Power, that expressed in the Declaration** and in our bill of wrights or denominated "Just Power" **Such**

gives privilage to all. Such is that Foundation chosen by our Fathers uppon which every human being might build his castle, establish his home, Plant his own vine and Figg tree none dareing to molest or make him Afraid and from which he or She may come forth and present their Ballott the instrument of representation by which their wrights are Secured and Made Safe and to perpetuate the power that afords them this quiate repose. From this mode of equel representation the existing Powers are constituted "Just Powers." it is by the free "consent of the governed." It is Just. this is an inherent write and can not be Justly taken from any without due Proscess of Law except by the same power tat gave it to us namely from God our Creator, any effort to aillonate or disinherit any even woman from thease is A gross violation of the rights of God and all human beings.

Thare have been and are now existing Powers that are not just But have and do act upon A basis at variance with this therory and so far as we in our practice vary from the theory which we have layen down are violating thease and departing from just principals and violating Just Wrights. An instance of unjust power was exibeted in the days of the Roman Republic By Ceasor who in one of his ordananses decliared that all women belong to Ceasor: This Set aside individual wrights and privilages ignored the self governing power to retain virtue or offer unobstructed own oblations, devotions and "Worship god according to the dictates of our own concience. But most Tyranicaly and Sacraligeously arogates to himself the wright to control the will and actions and property by and in accordance with the ambitious and selfish aspiration of A Tyranical Nature And so for as the male classes of this government exercise this preragatative they indorse and practice this same grey-bearded and ancient Tyrany

But Mr. Presidant I am glad to know that the onward march of Moral and Cival reform have driven back Some of thease dark clowds of past ignorance and Cruel Tyrany and the bright Sun Shine of cival liberty and universal equality is allready bursting through the dawn and soon the bright day of unsulied liberty will be enjoyed by all boath male and Female when the American Eagle already bourn in tryumph upon our Baner through A thousand Battles May be for ever planted in eternal security on the crowning crest of our everlasting hill and on his Crest bear Still but in unblushing truth our National Watch word Epluribus Unum.

Mr. MOORE. "Most potent, grave and reverend signiors," being "little blessed with the soft phrase of speech,"[15] I shall not attempt to imitate the voice, gesture and manner of my friend, the gentleman from Douglas (Mr. Manderson), in his doubly distilled oration

15. "Most potent grave and reverend Signiors . . .
Rude am I in my speech,
And little blessed with the soft phrase of peace—"
Mr. Moore's satire—which might have passed as clever if it had not been spoiled by prolixity—on Mr. Manderson's immature eloquence deserves correct quotations. .He seems to have been bent upon improving the classics.—Ed.

delivered a few evenings since, but "will a round, unvarnished tale deliver" of what I have read heard and thought, upon the subject under considersation. But I must say when I heard the gallant gentleman talk about "unmasking his batteries and setting his lance at rest," and saw him adjust his eyeglass so as to see more clearly the ladies in the gallery, I acknowledke I felt somewhat fearful that blood must flow before this question was fully discussed. But when his mouth had opened, and the beautiful rounded periods began to drop from his silvery tongue, and float gossamer-like adown the aisle and over the heads of members of this convention, and then sylph like curl to dome and galleries, settling like golden clouds around the heads and hearts of fair listeners, I felt a good deal like I had swallowed a dozen bottles of Mrs. Winslow's soothing syrup and unconsciously began to muse.

"Tis sweet to hear the watch dog's honest bark
Bay deep-mouthed welcome as we draw near home
Tis sweet to know there is an eye will mark
Our coming and look brighter when we come.

"Tis sweet to be awakened by the lark,
Or lulled by falling waters, sweet the hum
Of bees, the voice of girls, the song or birds,
The lisp of children and their earliest words."

But sweeter still than this, than these, than all were the words of hope and cheer to the fair ladies in the gallery, sounding like dulcet notes of the far off aeolian harp, stirred by ambrosial zephyrs from the gardens of God.

And as the softened cadences rose and fell in sweet refrains I could compare them to naught on earth than the tinkling of a thousand fairy bells laughing and dancing in the mellow light of a lady's eye.

And I thought, what a pity that this fine young and gallant knight of unmasked batteries and lance at rest should

"Have no wife or mother's care,
For him the milk and corn prepare."

Mr. Chairman, I wish I were able to pass compliment upon the honorable gentleman, the general, by noticing his stronger arguments, and I took down many notes for that purpose.

But when I come to divest them of the beautiful gaudy garments he had clothed them in, there was nothing in the world left but Webster's dictionary. The soft cadences had floated afar off over hill and dale and left nothing, absolutely nothing, not even a sweet scented aroma, which sometimes hangs around the broken vase when the flowers are withered and gone. The historian relates that when a Roman audience returned from listening to one of Cicero's great orations, they said to one another, "how sweet! how flowery! beautiful! beautiful indeed!" But when the Greek audience returned from hearing the Greek orator Demosthenes they exclaimed in one voice, "Let us

go and fight Philip." So my gallant friend will find that the intellectual, common sense woman must have convincing arguments before she consents to throw away the real blessings she has, and select a new and untried station in life, assuming new duties, new hopes, and new cares.

A certain old lady once said, "We are all poor critters;" and so thought I while witnessing the tremendous efforts being made by the gentleman from Douglas (Mr. Manderson) to gain the confidence and good will of the fair sex. But I would say to him, if he really wishes to see a lady exercise the elective franchise, he had better lead some fair, blushing damsel to the holy altar of wedlock, and it will not be six weeks until he will see one more of the sex not claiming the right to vote but exercising it . She will vote and he will carry the ballot and deposit it in the box at the polls. And so nicely will she manage the whole thing that he will swear on a stack of bibles that he did it himself.

But why should a man talk about the rights of the fair sex when he persistently denies any one of them the right to take hold of him, civilize and add the finishing touches that belong to, and adorn true manhood. Thus far he has succeeded in dodging the sharp arrows of the little god, has never yet felt creeping over soul, over sense, over every pulse and fibre of his body, the soft, delicious, sensation so feelingly described by the poet.

"I ne'er on those lips for a moment have gazed,
But a thousand temptations beset me;
And I thought as the dear little rubies you raised,
How delicious 'twould be if you'd let me." (Laughter.)

No, no, my dear friend of "the uncovered batteries and lance at rest"—as long as you feel nothing, there is no music in your soul, and [you] are fit only for treason, spoils, stratagem and death.[16] "Requiescat in pace." (Laughter.)

"Meet it is I set it down, that one may smile and smile and be a villain," so, with equal truth, may it be set down that he who cries loudest, standing like the self-complacent pharisee of old at every corner where a woman may happen to come, proclaiming himself the champion of the fair sex—that helpmeet for man, given by God for the happiness of both, holds within his breast no deeper respect for woman than he whose tongue is more usually silent. As there are some thoughts too great for utterance by the tongue, and some emotions so deep as not to be measured by words but lie down deep in the hidden recesses of the heart and refuse to be dragged forth to the blazing light of day, so lies this deep and abiding respect, this justifiable adoration by all good men for unsullied womanhood; and sorry am I that unthinking minds should have lain ruthless hands upon this last.

16. "Is fit for treasons, stratagems, and spoils."—Ed.

this best of all God's works this household image of divinity, set up in the heart of man, the last link in the golden chain which binds earth to heaven and dragged her shrinking, sensitive form upon the arena of politics, to become often the butt of politicians, the byword of idlers in the street and the subject of the rude oath and obscene jest of loungers in country barroom or city saloon. I believe I am a man of some nerve, but my soul shrinks and shudders when I view the consequences which must sooner or later, follow the adoption of this subject into our constitution. Take the delicate, refined woman the fond and loving mother one who has never wished to peep over, or pass from the sacred precincts of a home where love holds the sceptre one to whom the most solemn pledges of man have been given that he would love, cherish, and protect her, in health, in sickness, in prosperity, and in adversity, so long as both shall live and force her by law to mingle with and become one of the body politic, to become subject to all the duties imposed by law upon the citizen to summon her upon grand and petit juries, to attend the coroner's inquest to associate, day by day, to sit alongside of and in the presence of men who entertain no feelings of respect for a good woman whose mouth is full of curs ings whose soul is full of bitterness toward all, toward everything refined, good or holy in woman. And when we consider these duties must be attended to to the neglect of everything else, that they must continue day after day, and often afar into the night shut up in the jury room with men she has never seen or heard of, be forced to sit and listen for hours to the wrangling of lawyers, in the trials of cases that humanity blushes to call by name, all these and much more, for it is but the threshhold of the duties devolving upon her if she must be forced to and become subject to all things required by law from a citizen entitled to the elective franchise.

If she must exercise the elective franchise because she is a citizen, then all other duties devolving upon a citizen must devolve upon her, and she is subject to go at the beck and call of the judge the justice, the sheriff, and the constable be not knowing or caring whose hearts are left void, whose household is left vacant, not knowing or caring for little pattering feet, tottering timidly to the door and with anxious eyes and hungry hearts attempts to pierce the darkness without, looking for the life the food the light of every household the loving, caretaking, faithful, mother. You ask us to subject our wives sisters and daughters to such onerous duties as these? Are thy servants dogs, that they should do this thing? But Mr Chairman, it would seem neglect in me to continue my speech longer without noticing one whom for the purpose of distinguishing him from others, I shall appropriately name the good man from Douglas. He must be a good man for he makes tremendous effort to repeat correctly texts of holy writ that have no application. He prays fervently although his prayers seem an exact copy of a certain noted character Burns calls Holy Willie. He has been a member of two constitu-

tional conventions, is a lawyer of acknowledged ability, and stands about six feet, two inches in his stockings, and measures eleven inches on the base, loves to crack a joke, and appreciates talent wherever found, from the sensitive, refined, intellectual, blushing damsel in the parlor, to the witty actress upon the stage. This is a short notice of the aspect and good qualities of my valued friend; for I am proud to "number him in my list of friends"—General Experience Estabrook, the burly member from Douglas.

It was written long since that, "This is the age of oddities let loose." That some of these oddities are repeating themselves is certainly true; for of all the odd arguments I ever heard used the ones used by this good man, the praying member from Douglas, are the oddest of the odd. After prayer he raised his towering form like Saul among the people; bends forward, like the giant oak in bowing its head in a storm; raises his hands over his head as in the act of diving into "the deep, deep sea;" and in a stentorian voice, coming like a thunderbolt from Jove, exclaimed triumphantly, "I put it to you! What is the condition of woman?" Now, Mr. Chairman, in the practice of law I have learned it is good policy to not permit yourself to become unduly excited, but keep cool, so as to use knowledge to the best advantage. But I am forced to own that for once in my life I did dodge. You see I had no knowledge whatever of what kind of thing this praying member might "put to me," and when the question followed I felt a good deal like giving the whole thing up, for—well, I know no mortal man could answer that question. But upon consulting with my friends we determined to consult the spirits, believing they would certainly be able to give the desired information. So we started off, found a medium, sat around the table in silence and darkness "long and deep," until the medium's hand began to quiver, and upon a pencil being given him, he wrote one short word, and the left, and no amount of coaxing could prevail upon his unseen intelligence to speak or write another word. And being armed with the spirit answer, I now triumphantly "put it to him," answer in the language of the medium the one word "various." What is the condit on of woman? "Various." There it is, my dear traveler to the tomb, answered so clearly that, "He who runneth may read and the wayfaring man, tho' a fool, may not err therein."[17] Well, argument number two. The gentleman draws from Bouvier's law dictionary, the declaration of independence, Christian's Blackstone, the modern Jeremiah Black, and a certain Mr. Kerr or Cur. (The Lord knows how to spell the word better than I, for it seems he is unknown to fame.) Now, Mr. Chairman, I propose to answer this seeming argument to the satisfaction of every sane man here or woman in the galleries; for, the Lord bless them, they are here too, anxious to hear what next these great, six feet,

17."____ that he may run that readeth."—Habbakuk, ii:2.

"He that runs may read."—Tennyson's The Flower.

"The way of holiness____: the wayfaring men, though fools, shall not err therein." Isaiah, xxxv, 8.—Ed.

burly lords of creation intend imposing upon them without their asking or consent. This convention is not a court of justice in which complaints are lodged and questions of right adjudicated. If we were sitting as judges to decide the question whether a woman now had the right to exercise the elective franchise without a state constitutional provision to that effect, then the opinions of some of these law writers would, and should have much weight in deciding the question. And I am surprised to see this good man from Douglas a giant among men in body, mind, and legal knowledge, catching like a drowning man at every straw or gossamer the winds and tides may drive within his reach. Indeed, the thought has occured to me, since the discussion of this question, that possibly, his efforts put forth in that former constitutional convention have proved too much for him, and he is now reaping the consequences of being too bright of intellect in his younger days. But to continue in answer to argument number two, I would say we are here as a convention to grant or refuse the elective franchise to woman and not to decide as a court of justice whether this duty has or has not at some former time been given her, and which is now unjustly withheld.

It is a question of political expediency alone. We now hold the power (the people consenting) to enfranchise or disfranchise, as the public good may demand, and should we force this duty and liability upon woman it must be done because it serves the better to protect defend and secure the life, liberties and property of the whole people, and not because [of what] Bouvier's dictionary, Christian's Blackstone, Jeremiah Black or any other Black man may have said or written upon the subject.

Argument number three: "Governments are formed deriving their just power from the consent of the governed."

This the good man considered a clincher for he raised himself up, and, tilting forward upon one edge of his base, as though in the act of again diving, and exclaimed once more "I put it to you." But it did not terrify me so much this time; for I had moved my seat to a distant corner of the hall, and felt a little more secure. Will the gentleman—the praying member, this lover of Dante and petitioner a la "Holy Willie" assert, upon the honor of a great impeacher, that woman, at the time of the formation of our government, never consented thereto? Has she at no time since consented thereto? Has she at all times protested against the government [that] she neither could would nor should submit to its requirements that she would, if able, trample upon its constitution and trail its flag in the dust? Certainly not. When dangers threatened our republic, from without or within, she reached forward her hand to aid in its protection. She has endured cold hunger ing and deprivations of every kind to the extent of home friends and often life itself.

It is too late now, for men to get up in this convention and assert

she has at no time consented to our form of government. If she has, by word, or act, or even silence, then the powers of government are justly derived from woman as well as from man. But you say she now protests. Very true. Some are protesting; and the discontented have the right. But did not a large portion of our democratic brethren protest against the fourteenth and fifteenth amendments to our federal constitution? Did not eight million people protest against our constitution, as construed, and laws as made by a majority of the whole people? According to that new doctrine the south had a right to dissent and rebel. But it seems the gentleman from Douglas (Gen. Manderson) did not see things in that light then; for, soldierlike, and manlike, he shouldered his musket, and marched off "over the hills and far away," keeping step to the tune of "The Girl I Left Behind Me;" did his part in forcing these dissenters to consent —and, if report be true, his good broadsword was used much more effectively on the tented field than his rounded periods and silvery voice are likely to accomplish here upon this discontented field—so, I take it, our government was formed with just powers, all classes consenting so that argument, number three, may be appropriately termed, "Much ado about nothing."

Argument number four—"No taxation without representation." "I put it to you," argument number four, what is the object of taxation? To keep up the just powers of government. What are governments for? To the better protecting of life, liberty and enjoyment of property. Well, why tax woman? It is unjust, you say. Let us see. She enjoys life the same as man. The taking of her life is considered (if possible) a greater crime than taking the life of man. Then tax her property for the trouble and expense of protecting her life. Again, she enjoys the same liberty that man enjoys. Then tax her for the protecting of that liberty, as we do that of man. Again, she enjoys property in her own name and right. Let her be taxed to pay for the trouble and expense of securing her in these rights. There is nothing unjust about this. She pays her tax and receives in return all the rights man has, the right to life, liberty, and the enjoyment of property. The objects, end, and aim of both are the same. No law bearing hard upon one can bear easily upon the other. One primary object of government is to protect all classes and conditions in the full enjoyment of property; and as woman owns property, enjoys its benefits, applying it to their own uses, it is fit and proper that a tax upon that property should defray the expenses of protecting it. Woman, as woman, has never been taxed. If she has no property, she pays no tax; but man, as man, pays his tax yearly. Then away with this fallacious argument. It is unworthy of a learned lawyer or a woman of common sense.

"I put it to you,"—number five. This argument stands out in bold relief. It is as follows: 1. Insane people, idiots, traitors, and convicted

criminals are not permitted to vote; 2 Women are not permitted to vote, therefore women are insane fools, criminals, and traitors What an argument, ye Gods and little fishes! 'Upon what meat hath this our Cæsar fed, that he has grown so great?' He opens his mouth, points his finger, 'puts it to you,' and immediately arguments strong as Hercules drop from his tongue like newly formed worlds from the finger tips of an almighty hand when he created all things, filling an infinite void with rolling, racing worlds and peopling them with walking, creeping and flying creatures Its equal I never heard except once Sam a negro says to Sambo, 'Sambo, can you tell me why a cow is like a hoss?' 'I dunno, I gibs it up Why am she like a hoss?' 'Because a cow cannot climb a tree'

Now, Mr. Chairman, this is as perfect a conclusion as that arrived at by the gentleman the praying member from Douglas. The law says a minor shall not vote, also that a woman shall not vote therefore all women are minors Yet in the face of such absurdities this great reasoner says, "I put it to you: If a fool shall not vote and a woman shall not vote, then a fool is a woman or vice versa a woman is a fool Now, my dear pious traveler to the tomb, in the name of all the good you have done never say such soft silly things again How the fair sex can ever consider the gentleman a champion of their rights, after hearing such unpardonable nonsense emanate from his cranium, is more than I can understand

"I put to you," number 6, and the last time. "The negro votes, why should not a woman vote? Does she not know as much as a negro?" O how triumphantly the gentleman asked that question! He straightened up, looked calmly over the audience like a victorious general over a battlefield covered with the dead and dying at this time he piously rolled his eye upward, but I am not certain whether he was engaged [in] mental prayer or taking, like 'the captain with the whiskers,' a sly glance at the ladies in the gallery

The latter, I presume, for previous to this he had heretofore always read his prayers I hardly think it necessary to answer this argument, if one it is, of which there are doubts I know how a sensible woman would answer it should the honorable gentleman ask her She would throw the scissors at his nose and say, 'Shoo fly, don't bodder me" (Laughter.)

The ballot was given the negro not because he had a natural right to it not because he was intelligent enough to always make a proper use of it; but it was given as protection against evil designs of bad men and former white masters

The negro had been a slave He had fanned his master while he slept and trembled when he awoke" The government was forced to give him his freedom, and had pledged him protection. He could not be colonized, neither could standing armies be kept for his protection So there was but one way left, and that was

"Upon what meat hath this our Cæsar fed,
That he is grown so great" Ed

to put the ballot into his hands, in order that he might be able to choose his rulers. This was all the government could do, and has turned out to have been well done; and when the advocates of this question show the same necessity for women to vote, as there was in the negro ccoting, I will not be in the—[19]

Look at the facts for a moment. Have the voters of this country ever deprived woman of the right to an education? Have they passed laws justifying the beating, abusing, hanging, starving and burning of females? Have they by law refused them the privilege of worshiping God in such manner, from any place they might desire? Have they ever handcuffed them, chained them together, made them under the lash tramp weary miles under the broiling sun, to be separated, husband from wife, sold into slavery, to live the long, long years of bondage and toil? This is a part of "the why" the ballot was given the negro; and it seems to be why enough. Have our mothers, wives and daughters just cause like this to demand of us the elective franchise? We think not. And now, after wading through a good deal of ground to answer unseemly arguments, I only [have to offer] a few thoughts why, at this time, I am unwilling to add another weight to the load that woman always has carried and will have to carry. And first, in justice to this better half of man, let me say, I believe woman the equal of man in intellectual worth. Her moral nature is far in advance of man's. Her perception is quicker and almost certain in its conclusions, and is far more sensitive and refined than man's. Certainly it is not because I consider her incapable of performing this duty, should we be ungallant enough to impose it upon her—[20] God knows I have no prejudices in this matter. What to me is more holy than the name of mother? How she loves that babe in her arms! Every want is anticipated, every look, motion and half-formed—is engraven upon the tablets of her memory, never to be obliterated or washed away by the winds or tides of adversity. That boy grows to manhood and wanders over land and sea. "From ice-clad pole to the tropics bright" he roams at will. But wherever he may go, whether on land or sea, that mother's heart follows him, day by day, year by year, and like Job, arising early each day and offering up sacrifice for the health, peace and happiness of her boy. Ah! sir, this is no picture of a heated imagination; but you and I know it to be real as life itself. And should we, the sons of such mothers, when we are strong and they are weak, when we are able to battle for ourselves and them too, turn round, like cowardly curs and force that fond mother to take up the elective franchise, dip into ex-

19. Sentence incomplete. It is remarkable that the speaker should have thought that negro suffrage had turned out well; for at that very time there was ample evidence that the white citizens of states with a large negro population would not submit to their enfranchisement.. The withdrawal of federal soldiers from such states by President Hayes, a few years later, was a virtual submission to the disfranchisement of the negroes, and which has long been acquiesced in as a political necessity. This general consent apparently proves that the very unfortunate condition is unavoidable.—Ed.

20. Incomplete sentence.

citing scenes of political life, where the passions, like "the seven furies of hell," burn everything to cinder which is thrown into their volcanic fires? The very proposition is enough to make manhood blush and writhe with very shame To think that that mother "who ran to help me when I fell," who grieved that you might rejoice, watching by your little bed while others slept who held the cup of cold water to parched and fevered lips, and never wearied while your wants were unsupplied; that sister of one blood with yourself who laughed when you laughed, who cried when you grieved who shared your every joy and every sorrow that wife, whom you have solemnly pledged to love, cherish and protect, in sickness and in health, in prosperity as well as in adversity, who confiding in your strong arms, in your manhood, who lloth like, has thrown away her family gods, forsaken kinsfolk and friends, to follow you, if need be, to the ends of the earth that these mothers, sisters and wives must be forced to take up studies uncongenial to their nature, place themselves in positions inimical to their happiness, even to the extent of their good name something dearer far than life itself and all because you are too cowardly to give them what they need that they must, after doing their own labors take up your little load and help stem political torrents and shape political ends'

Shame' Shame upon you' You certainly do not mean it Again, voting is not a right, neither natural, civil or political It is a duty imposed by law upon you, to be exercised for the public good, and this howling about rights by some shows one thing conclusively — that they have never understood our government, the foundation upon which it rests or the duties enjoined upon its citizens. In former days of this republic men who neglected to discharge the duties of an election were cited to appear before a grand jury and show cause why they did not attend the polls and vote, and if excuse was insufficient they were fined for this neglect.

Then, this being an onerous duty, why impose it upon woman when she has, God knows, more now to do than she is able to accomplish? Again, why heap this additional burden upon her until she has asked for it? Here we have been in convention two months, and but a few petitions have come in, and signed by only a few persons, when there must be at least thirty thousand females capable of voting in the state. It seems to me, if the ladies wished for the elective franchise they would ask for it. I believe the truth of the matter is the great majority of wives are at home, in the midst of loving sons and daughters; more interested in having her sons educated so as to become in their day and generation men of worth, men of principle, men high minded and honorable, more interested in having her daughters grow up to unsullied womanhood a crown of joy and rejoicing to every fond parent's heart. She is, I believe more interested in this one of her greatest duties, a duty which she alone can perform, than she is in

Mr. HASCALL. Mr. President—

Mr. EATON. I move the previous question.

Mr. MANDERSON. I rise to a question of order, Mr. President. The gentleman from Douglas (Mr. Hascall) obtained the floor, was recognized by the chair, yet had the floor. No gentleman can take [it] to move anything, not even the previous question.

Mr. MASON. On the question of order, I desire to submit this proposition separately — that when any gentleman has exhausted his time he cannot yield the floor to a friend, but every individual must take his chances on the recognition. The chair will see at a single glance that if this could be done a very small minority could yield one to the other and never advance the business of the convention.

Mr. HASCALL. I appeal.

The PRESIDENT. The question is upon sustaining the chair.

Mr. MANDERSON. Parliamentary law is not—

Mr. GRAY. I rise to a point of order; that when the previous question has been called and seconded, then, sir, no debate is in order, until the question is put.

Mr. MANDERSON. I believe I have the floor. I was about to say that parliamentary law was inaugurated for the government of deliberative bodies many years ago—. (Laughter.)

The PRESIDENT. The gentleman must confine his observations to the point appealed from.

Mr. MANDERSON. And for the purpose of considering the question raised by the appeal it is necessary that we get down to the bedrock of parliamentary law. Therefore it is highly important that we should look into the pages of history and see the practice as it has obtained for many years, for the purpose of finding out where we stand upon this important question. The gentleman from Lancaster (Mr. Philpott) had the floor, when the gentleman from Douglas (Mr. Hascall) interrupted him.

Mr. GRAY. I call the gentleman to order.

The PRESIDENT pro tempore. The gentleman will state his point of order.

Mr. GRAY. I will read rule 46 of the rules of this convention.

No. 46. The previous question shall be always in order, if the motion therefor be seconded by ten members and shall be put in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate.

The PRESIDENT. The chair is of the opinion that the call for the previous question cannot be made while a gentleman is speaking.

Mr. MANDERSON. I appeal from the decision of the chair, and call the previous question.

The PRESIDENT pro tempore. The question is "shall the decision of the chair be sustained?"

The ayes and nays being demanded, the secretary proceeded to call the roll.

Mr. HASCALL, when his name was called. Mr. President, I rise to explain my vote. I have been in

doubt as to the correctness of the decision, and I dislike very much to place myself in the wrong upon a question of this importance (Laughter.)

Mr GRIGGS. I call the gentleman to order. He is not speaking to the point.

Mr HASCALL. I will speak to the point. Mr President, I merely wished to explain my position. Being in doubt, then, I vote aye.

Mr MANDERSON, when his name was called. Mr President, I rise to a question of privilege. I ask that I be excused from voting upon this question. "Excused" "Excused!" (Laughter.)

The president announced the result, yeas 32, nays none, as follows:

YEAS

Abbott,	Parchen,
Ballard,	Philpott,
Boyd,	Reynolds,
Campbell,	Shaff,
Eaton,	Sprague,
Estabrook,	Stevenson,
Gibbs,	Stewart,
Gray,	Thummel,
Griggs,	Thomas,
Hascall,	Towle,
Kenaston,	Vifquain,
Lyon,	Wakeley,
Majors,	Weaver,
Mason,	Wilson,
Moore,	Woolworth,
Newsom,	Mr President—32

ABSENT OR NOT VOTING

Cassell,	Manderson,
Curtis,	Maxwell,
Granger,	Myers,
Grevell,	Neligh,
Hannan,	Parker,
Kenaston,	Price,
Kirkpatrick,	Robinson,
Lake,	Scofield,
Ley,	Spicer,
McCann,	Tisdel—28

So the decision of the chair was sustained.

The PRESIDENT pro tempore. The question is, shall the main question be now put?

Mr MANDERSON. Mr President, I wish to be excused from voting. I wish to give my reasons. "Excused" "Excused" (Laughter.)

The main question was ordered.

The PRESIDENT pro tempore. The main question is upon the amendment offered by the gentleman from Douglas (Mr Estabrook) to section 3.

The yeas and nays being ordered, resulted yeas 1, nays 34, as follows:

YEAS

Estabrook.—1

NAYS

Abbott,	Majors,
Ballard,	Mason,
Boyd,	Moore,
Campbell,	Myers,
Eaton,	Newsom,
Gibbs,	Parchen,
Granger,	Philpott,
Gray,	Reynolds,
Griggs,	Shaff,
Hascall,	Sprague,
Kenaston,	Stevenson,
Kilburn,	Stewart,
Kirkpatrick,	Vifquain,
Lyon,	Wakeley,
Thummel,	Weaver,
Thomas,	Wilson,
Towle,	Woolworth—34

ABSENT OR NOT VOTING

Cassell,	Neligh,
Curtis,	Parker,
Grevell,	Price,
Hannan,	Robinson,
Lake,	Scofield,
Ley,	Spicer,
McCann,	Tisdel,
Manderson,	Mr President—17
Maxwell,	

So the amendment was not agreed to.

The PRESIDENT pro tempore. The question now is upon the adoption of the section.

The ayes and nays being ordered, the secretary proceeded to call the roll.

Mr. MANDERSON, when his name was called. Mr. President, I shall move to reconsider the vote on this section, and therefore vote aye. (Laughter.)

The president announced the result, yeas 36, nays none, as follows:

YEAS.

Abbott,	Myers,
Ballard,	Newsom,
Boyd,	Parchen,
Campbell,	Philpott,
Eaton,	Reynolds,
Estabrook,	Shaff,
Gibbs,	Sprague,
Granger,	Stevenson,
Gray,	Stewart,
Griggs,	Thummel,
Kenaston,	Thomas,
Kilburn,	Hascall,
Kirkpatrick,	Towle,
Lyon,	Vifquain,
Majors,	Wakeley,
Manderson,	Weaver,
Mason,	Wilson,
Moore,	Woolworth.—36.

NAYS.

None.

ABSENT OR NOT VOTING.

Cassell,	Neligh,
Curtis,	Parker,
Grenell,	Price,
Hinman,	Robinson,
Lake,	Scofield,
Ley,	Speice,
McCann,	Tisdel,
Maxwell,	Mr. President.—16

So the section was adopted.

Mr. MASON. Mr. President, I move the adoption of section four, and call the pevious question.

The PRESIDENT pro tempore. Gentlemen, the question is, shall the main question be now put?

The main question was ordered.

Mr. MANDERSON. Mr. President, I call for the reading of the section.

The secretary read as follows:

Sec. 4. No elector shall be deemed to have lost his residence in the state by reason of his absence on business of the United States, of this state, or in the military or naval service of the United States.

Mr. MASON. Mr. President, I move the adoption of the fourth section, and on that motion I move the previous question.

The PRESIDENT pro tempore. The question is, shall the main question be now put?

The motion was agreed to.

Mr. MANDERSON. I call for the reading of the section.

The secretary read the section as follows:

Sec. 4. No elector shall be deemed to have lost his residence in the state by reason of his absence on business of the United States, of this state, or in the military or naval service of the United States.

The PRESIDENT pro tempore. The main question is on the adoption of section 4. The ayes and nays are demanded. Secretary, call the roll.

The vote was taken and the result announced, ayes 36, nays none, as follows:

YEAS.

Abbott,	Moore,
Ballard,	Myers,
Boyd,	Newsom,
Campbell,	Parchen,
Eaton,	Philpott,
Estabrook,	Reynolds,
Gibbs,	Stevenson,
Granger,	Stewart,
Gray,	Sprague,
Griggs,	Shaff,
Hascall,	Thomas,
Kenaston,	Thummel,
Kilburn,	Towle,
Kirkpatrick,	Vifquain,
Lyon,	Wakeley,
Majors,	Weaver,
Mason,	Wilson,
Manderson,	Woolworth.—36.

NAYS.

None.

ABSENT OR NOT VOTING.

Curtis,	Neligh,
Cassell,	Parker,
Grenell,	Price,
Hinman,	Robinson,
Lake,	Scofield,
Ley,	Speice,
Maxwell,	Tisdel,
McCann,	Mr. President.—16

So the section was adopted.

The secretary read the next section as follows:

Sec. 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed therein.

Section 5 was adopted.

The secretary read the next section as follows:

Sec. 6. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

Mr. GRIGGS. Mr. President, I move the adoption of the section and on that motion I call the previous question.

The PRESIDENT pro tempore. The question is, shall the main question be now put?

The motion was agreed to.

The PRESIDENT pro tempore. The main question is on the adoption of section 6. The ayes and nays are demanded. Secretary, call the roll.

The vote was taken and the result announced, ayes 38, nays none, as follows:

YEAS.

Abbott,	Moore,
Ballard,	Myers,
Boyd,	Newsom,
Campbell,	Parchen,
Eaton,	Philpott,
Estabrook,	Price,
Gibbs,	Reynolds,
Granger,	Stevenson,
Gray,	Stewart,
Griggs,	Sprague,
Hascall,	Shaff,
Kenaston,	Thomas,
Kilburn,	Thummel,
Kirkpatrick,	Towle,
Lyon,	Vifquain,
Majors,	Wakeley,
Mason,	Weaver,
Manderson,	Wilson,
Maxwell,	Woolworth.—38.

NAYS.

None.

ABSENT OR NOT VOTING.

Curtis,	Neligh,
Cassell,	Parker,
Grenell,	Robinson,
Hinman,	Scofield,
Lake,	Speice,
Ley,	Tisdel,
McCann,	Mr. President.—14

So the section was adopted.

The secretary read the next section as follows:

Sec. 7. All votes shall be by ballot.

Mr. MASON. Mr. President, I move the adoption of the section, and on that motion call the previous question.

The ayes and nays were demanded.

The secretary called the roll, and the president announced the result, ayes 36, nays none, as follows:

YEAS.

Abbott,	Moore,
Ballard,	Myers,
Boyd,	Newsom,
Campbell,	Parchen,
Eaton,	Philpott,
Estabrook,	Reynolds,
Gibbs,	Stevenson,
Granger,	Stewart,
Gray,	Sprague,
Griggs,	Shaff,
Hascall,	Thomas,
Kenaston,	Thummel,
Kilburn,	Towle,
Kirpatrick,	Vifquain,
Lyon,	Wakeley,
Majors,	Weaver,
Mason,	Wilson.
Manderson,	Woolworth.—36.

NAYS.

None.

ABSENT OR NOT VOTING.

Curtis,	McCann,
Cassell,	Neligh,
Grenell,	Parker,
Hinman,	Price,
Lake,	Robinson,
Ley,	Scofield,
Maxwell,	Speice,
Tisdel,	Mr. President.—16

So section 7 was adopted.

The secretary read the next section as follows:

Sec. 8. Uniform laws throughout the state shall be made to ascertain by proper proof what citizens are entitled to the rights of suffrage.

Mr. GRAY. Mr. President, I move the adoption of the section, and on that motion call the previous question.

The motion for the previous question was agreed to, and section eight was adopted.

Mr. GRAY. Mr. President, I move the article be engrossed for a third reading, and on that motion call the previous question.

The PRESIDENT. The question is, shall the main question be now put?

The motion was agreed to.

The PRESIDENT. The question now recurs upon the motion to have the article engrossed.

The motion was agreed to.

Adjournment.

Mr. WEAVER. Mr. President. I move we adjourn.

The motion was not agreed to.

Mr. TOWLE. Mr. President, I move to reconsider the vote by which this article was ordered engrossed, and call the previous question.

The PRESIDENT. The question is, shall the main question be now put?

The motion was agreed to.

The PRESIDENT. The question now is upon the motion to reconsider the vote by which the article was ordered engrossed.

The motion was not agreed to.

Mr. GRIGGS. Mr. President. I move we adjourn.

The motion was agreed to.

FORTY-FIFTH DAY.

Wednesday, August 16, 1871.

The convention met at eight o'clock, and was called to order by the president

Prayer.

Prayer was made by the chaplain to the convention, as follows.

Our Father, daily we own that we ought to acknowledge thy many mercies toward us, may we not forget them May we remember Thee and be faithful forever We pray Thee to always take care of us So long as we live may we be mindful of our dependence upon Thee and in heaven may we praise Thee forever Amen

Reading of the Journal.

The Journal of yesterday's proceedings was read and approved

Rights of Suffrage.

Mr KIRKPATRICK Mr President, I wish to say that myself and my colleague (Mr Kenaston) protest and dissent to the action of the convention last evening by which the article on rights of suffrage was adopted

Legislative Apportionment.

Mr BALLARD Mr President, I move we go into the committee of the whole on the report of the committee on legislative apportionment

Printing of the New Constitution.

Mr PARCHEN Mr President, I have a resolution I wish to offer

The secretary read the resolution as follows

Resolved That the new constitution of Nebraska be translated in the German Scandinavian and Bohemian languages, and that five thousand copies in German, twenty-five hundred in Scandinavian, and two thousand in the Bohemian language be printed for distribution amongst said foreign-born citizens, and the secretary of state is hereby directed to advertise and let said translating and printing to the lowest responsible bidder of the state"

Mr. CAMPBELL. Mr. President, I move the resolution be referred to the printing committee.

The motion was agreed to.

Report of Revision Committee.

Mr WOOLWORTH Mr President, your committee on revision and adjustment have examined the engrossed bill of rights and recommend the following corrections First, insert before the word posterity in the sixteenth line, the word our Second, in the first line of section 17 strike out the letter a, before the word right, and insert in lieu thereof the word the. Third, in the fourth line of the twenty-second section insert the word the before the word possession. Fourth, insert the section numbered twenty-six after section 24, and number the same twenty five, and insert the section now numbered twenty-five into an article to be numbered Article II

All of which is respectfully submitted J M WOOLWORTH,

Chairman.

The PRESIDENT The question is on the adoption of the amendments recommended by the committee

The amendments were agreed to.

Committee of the Whole.

The PRESIDENT The question is on the motion to go into committee

ing to lose in proportion to other river counties, for the benefit of the west. No one can object. There is only one wrong, if you may so term it, in respect to senators, and that seemed to be necessary. It was Saunders county. That county had not a full ratio, and we had to attach Sarpy county to it. That is the only exception from the uniform rule pursued over the state. Sarpy county must be included in some senatorial district. Saunders county is the only one that can justly complain. When we come to representatives we can consider that alone, and if it is thought the river counties should lose for the benefit of the interior counties, I am sure Douglas county will not be behind the others.

Mr. SPRAGUE. When this matter in the legislative article was under consideration, I was in favor of fixing some rule by which the convention should be governed. The committee did adopt this rule, that any county having three-fifths of the number required in forming a senatorial or representative district should have one member of the legislature, for such excess. Now, sir, I would say that it is absolutely necessary that we should make some kind of an appointment. We never can have a legislature under this constitution unless we make an apportionment. Now the only objection I have to the action of this standing committee is that it has not adopted that rule in full. They departed from it in the case of Saunders county; this county is put down as having a population of 4,572. Our worthy secretary, Mr. Holbrook, took the census in our county, and he will take oath that at that time the county had a population of five thousand and something over three hundred. If it is absolutely necessary to violate the rule, I ask, sir, to what county should it apply; should it be to a large county or a small one? A large county can well spare this representation. Now the point I made in the house was that it was not so necessary to have a large representation, as it was to have some representation. I say that justice demands that you should not violate the rule in this way, and impose on the small counties. I say if it is necessary to violate the rule, let some of the older counties give way to these smaller counties. It strikes me, Mr. President, that we should not strike out this entire report. It is absolutely necessary we should make apportionment.

Mr. TOWLE. Mr. President. Saunders county has a population according to the census, of 4,572. That entitles the county to one senator.

Mr. KILBURN. Mr. President. I wish to state, that the truth is. Saunders county has a population of 5,300.

Mr. TOWLE. Saunders county has a population of 4,372.[23] She is entitled to one senator, and the committee gave her this. It was a physical impossibility, under this rule, to give each of these counties

23. Correctly, 4,547. There seems to be no explanation, but carelessness, for these variable numbers, inasmuch as the enumeration of the census of 1870 must have been accessible to the members of the convention.—Ed.

a representative It would also have been a gross injustice to give Sarpy county no representative, there being three large counties surrounding Sarpy The only way we could do was to join it to the smallest of these counties, the two counties being joined have a population of 7,741 There are four other districts having a larger population than Sarpy and Saunders joined We departed from the rule because it was absolutely impossible to do anything else We have carried out the rule to the best of our ability We have tried to distribute this apportionment as evenly as possible I believe that no injustice has been done to either Sarpy or Saunders Their population when joined, is exceeded by four other districts

Mr ABBOTT Mr President, it is a little amusing to those gentlemen who live in the western districts who only get one representative, to see members of this convention, who come from the populous districts, call each other "you're another,' and 'you did it yourself,' when we were clamoring for more representation in the western districts These gentlemen said, 'we will contribute some of our representation' Now they quarrel among themselves because they think they have not a large enough representation

Mr NEWSOM Mr President I am willing to contribute. I will vote for taking off from Douglas and three counties to give to these western counties

Mr PHILPOTT Mr President, I understand that the matter now under discussion is this report I desire of the president if there has been any amendments to this report relative to Lancaster county

The PRESIDENT pro tempore It has been agreed in the committee that Lancaster county is entitled to three representatives and Saunders county to two

Mr PHILPOTT Mr President, there seems to be a little dissatisfaction here Now it seems to me that the fair way to get at it is to have these counties divided into representative districts by those figures which represent the ratio and then be governed by that rule exactly If a county only lacked one or two of the three fifths required, give them the same representation as though they lacked a larger number If we are governed by this rule we can arrange this in a very short time.

The CHAIRMAN The question is on the motion of the gentleman from Johnson to strike out the entire report

The motion was not agreed to

The CHAIRMAN The question is on the adoption of the first district as follows

Senatorial Districts.

District number one shall consist of the county of Richardson, and be entitled to one senator

The first district was adopted

The chairman read the next as follows

District number two shall consist of the county of Nemaha, and be entitled to one senator

District number two was adopted

The chairman read the next, as follows:

District number three shall consist of the county of Otoe, and be entitled to two senators.

District number three was adopted.

The chairman read the next, as follows:

District number four shall consist of the county of Cass, and be entitled to one senator.

District number four was adopted.

The chairman read the next, as follows:

District number five shall consist of the counties of Saunders and Sarpy, and be entitled to one senator.

Mr. KILBURN. I move to amend that by striking out the word Sarpy. The question is simply this, whether the county of Sarpy shall have senatorial representation at the expense of Saunders county, or at the expense of the whole state. Saunders county has a population of 4,572 by the last census, and her real population is 5,330, nearly enough for one senator; and Sarpy has a population of 2,919[24] the two counties making much more than is required for the senatorial district. I stand here to protest against that.

Mr. ABBOTT. How will you provide for her at the expense of the state?

Mr. KILBURN. I understand it cannot be done without violating the rule which we have laid down. I am not going to tell you how you should do it.

Mr. STEVENSON. Now let us look at this question, Mr. Chairman, I hold that the committee have done the very best they could. I understand that uniting the two counties does not give the full ratio for a senator.

Mr. SPRAGUE. It overruns it 900: the true population of Saunders county is 5,330.

Mr. STEVENSON. We would have the state too large if we take the representation of each member here regarding the population of his county. There is no county joining Sarpy that it can be united with under our rule, except Saunders, and she must be united somewhere. It is impossible, with nineteen senators and fifty-seven representatives, to give every county what they want. We must do the best we can.

Mr. SPRAGUE. Mr. Chairman. This is a simple question of what is right and what is wrong. There are three counties in this state, Dodge, Washington, and Pawnee, with less population than we have, which entitles us to one senator; but this report compels us to take in with us another county. If three counties in this state, with less population than we have, is entitled to one senator, which I claim they are, if they are entitled to it, I ask, in all justice, is not Saunders county entitled to it? I believe this matter can be satisfactorily arranged so as to satisfy Sarpy county and not cause any violation of this rule. She is not entitled to a senator alone, she has a representative under the apportionment. This rule would give to Richardson county one senator. She also

24. 2,913.—Ed.

has four representatives. I think their extra representative should be given to Sarpy; then she will have more representatives than she is entitled to. I say that would be nearer justice than the rule which takes from us that which we are entitled to. I do protest in behalf of Saunders county against this violation of the rule.

Mr. WILSON. Mr. President, I hope the motion of the gentleman from Saunders will prevail. It seems to me Sarpy is not very far from Douglas county, and they ought to be generous enough to stand to their word. Pawnee county has not near as much population as Saunders county; still she has a senator to herself. It seems to me a great injustice to violate this rule.

The motion was not agreed to, and the fifth district was adopted.

The secretary read the next district, as follows:

District number six shall consist of the county of Douglas, and be entitled to three senators.

Mr. WILSON. Mr. Chairman, I move to strike out "three" and insert "two."

The motion was not agreed to.

District number six was adopted.

The secretary read the next district, as follows:

District number seven shall consist of the county of Washington and be entitled to one senator.

District number seven was adopted.

The secretary read the next district, as follows:

District number eight shall consist of the county of Dodge, and be entitled to one senator.

District number eight was adopted.

The secretary read the next district, as follows:

Districst number nine shall consist of the counties of Cuming, Burt and Stanton, and be entitled to one senator.

District number nine was adopted.

The secretary read the next district, as follows:

District number ten shall consist of the counties of Dakota, Dixon, Cedar, L'Eau Qui Court, Antelope, Madison, Pierce and Wayne, and shall be entitled to one senator.

District number ten was adopted.

The secretary read the next district, as follows:

District number eleven shall consist of the counties of Platte, Colfax, Boone, Merrick, Hamilton, Polk, York and Butler, and be enitlted to one senator.

District number eleven was adopted.

The secretary read the next district, as follows:

District number twelve shall consist of the counties of Saline, Seward and Jefferson, and be entitled to one senator.

District number twelve was adopted.

The secretary read the next district, as follows:

District number thirteen shall consist of the counties of Johnson and Gage, and be entitled to one senator.

District number thirteen was adopted.

The secretary read the next district, as follows:

District number fourteen shall consist of the county of Lancaster, and be entitled to one senator.

District number fourteen was adopted.

The secretary read the next district, as follows:

District number fifteen shall consist of the county of Pawnee, and be entitled to one senator.

District number fifteen was adopted.

The secretary read the next district, as follows:

District number sixteen shall consist of the county of Hall and all other counties and territory not included in any other senatorial district, and be entitled to one senator.

Mr. GRIGGS. Jefferson county has been divided, and part of it is called Thayer county.

Mr. HASCALL. It was necessary, in these districts, to describe it just as it has been described by the committee, so as not only to include counties organized and unorganized, but to include all territory. Thayer county, and Nuckolls, Webster, Franklin and Harlan are included in the district. It is therefore better to say Hall, and all other—"

Mr. PRICE. I suggest we change the name of the county from Hall to Thayer, that being a larger county. I make a motion to that effect. I do this because the returns from the other counties would have to be made to the county first named. It will be inconvenient to get returns from the counties down in the Republican and the Blue, across the Platte to Hall, that being the only one north of the Platte. It would be easier. I am not asking to have the district changed—merely the name of the first county.

Mr. ABBOTT. While I do not claim the empty honor of having Hall named, yet it seems to me Hall is a more central point, and has a larger population than any other county in the district, and the accommodations for communication are better. I see no reason for changing it.

Mr. HASCALL. If you insert Thayer instead of Hall, then all the returns of the senatorial district would have to be made to Thayer county. Thayer is in the southeast corner of the district, and it will be inconvenient for Cheyenne, Lincoln district, etc., to make their returns to Thayer. Hall county has a population of 1,900 and upwards. Thayer only a population of less than 1,200. The census puts Thayer and Jefferson together and gives them 2,400. Thayer has been made a county since the census was taken.[25] Hall is the most populous county in the district.

Mr. BOYD. Why not leave Thayer county in district twelve?

Mr. HASCALL. District twelve has population sufficient without it. Jefferson, Seward and Saline has a population up to the ratio, whereas the western district has not.

The motion to strike out was lost.

District sixteen was adopted.

25. By the United States census of 1875 the population of Hall county was 1,057, and that of Jefferson, 2,440. The creation of Thayer county, by the division of Jefferson, was authorized by the act of March 1, 1871, and it was organized on the 30th of October, 1871.—Ed.

Representative Districts.

The secretary read the first district, as follows

District number one shall consist of the county of Richardson, and be entitled to five members

Mr TOWLE. I will ask members to mark a correction in the first line, and say 'four' instead of "five" It is a mistake

The PRESIDENT The question is upon the adoption of district number one

Mr WEAVER I wish members to allow me to explain the shape this is in If this "five" is stricken out in Richardson county, great wrong will be done Let us calculate Here, under a population of 9 739, we get one senator We have a surplus of 379, more than twice the number Pawnee has, and yet she has one senator under this rule, and the same representation we had. But that has passed by How about the house of representatives? To be sure we have a very little less than three-fifths of the ratio but we have lost almost enough for a senator We have 1 057 of a surplus on the representation, besides losing 3,226 on a senator Yet gentlemen will construe these figures, and do us the injustice to strike us down to four representatives when they have stricken us down so grievously in the senatorial representation

Mr. NEWSOM. If we leave this five we will have fifty eight members

Mr WEAVER Then I ask unanimous consent of the house to make it fifty eight

Mr HASCALL. Will the gentleman from Richardson (Mr Weaver) let me make this suggestion

Mr WEAVER. Certainly

Mr. HASCALL. Douglas and Otoe counties can afford to give one representative each. Douglas county will be willing to give one representative, which would be given to the northwest. Otoe county might give one to Richardson

Mr. STEWART. Mr. President, I am glad that some of these gentlemen who live in the river counties have got their eyes open on the district business. Ever since I have lived in Pawnee county we have been without a representative in the senate. I am glad that these gentlemen are getting their eyes open in regard to this arrangement. I would like to have some arrangement made by which we can have a fair and honest representation, but I am sorry to say that the gentleman from Richardson has never been able to see it as I do

Mr. GRIGGS. Mr. Chairman, I would like to see this rule adhered to less strictly If we do not we will insure the defeat of the constitution. Take Johnson and Gage counties. Johnson county has enough for two representatives she gets but one Gage county has within forty-seven, and seventy-seven, respectively of having enough for one more representative and one more senator whereas we have but one of each Now as Richardson county has already four representatives. If Otoe county is willing to give one away, let her give it to Johnson county. If Douglas county is going to be so just

let her give her other representative to our county. If the rule had been twenty-one and sixty-three, it would have let in our county, and Sarpy county also.

Mr. HASCALL. It is no fault of ours that this three-fifths rule was adopted. It is the fault of the gentleman himself. The gentleman must be bound by what he has heretofore done.

Mr. WILSON. I challenge the gentleman to show who would have suffered if the number of representation had been sixty-three and twenty-one.

Mr. HASCALL. Butler county, sir.

Mr. WEAVER. Th s nineteen and fifty-seven rule was adopted under the direction of certain gentlemen whose counties would be accommodated.

Mr. STEVENSON. Mr. Chairman, what is the use of crying over spilled milk? There was injustice worked to some parts of the state by adopting this rule. So long as you have this three-fifths rule there will be some counties that it would cut off. I don't care what number you have, if you have this three-fifths rule, there will be some counties dissatisfied. Now, so far as this rule is concerned, I have no doubt but that it suits some counties better than it does some others. I, sir, for one, voted against this rule every time. I did not vote for fifty-seven and nineteen, but, so long as a majority of the members of this convention did vote for it, I say let it go. The majority saw fit to vote for fifty-seven and nineteen, and I am willing to let the matter rest. It would not make a bit of difference if we had had twenty-five and seventy-five, there would have been some counties which would not quite come up to the number required for another representative. Now nearly every county in the state has a representative here in this representative chamber. I think it s a great deal better than anything we have had heretofore.

Mr. BALLARD. Mr. Chairman, "O wretched man that I am, who will deliver me from the torture of this death."[26] (Laughter.)

Mr. WILSON. Mr. Chairman, I call the gentleman to order. He is not speaking to the question. (Laughter.)

Mr. BALLARD. Mr. Chairman, my county has been tortured and tortured to death over this apportionment. Now let us stick to this rule.

Mr. TOWLE. Mr. Chairman, the gentleman says that h s county has been tortured to death over this apportionment matter. I should think that any county would be tortured by having such a representative. (Laughter.) However much injustice it may work to the county in which I live, I am willing to live up to the rule that has been adopted. I do hope that this apportionment will be confirmed by the committee of the whole. If these large counties will give up a portion of their represent-

26. The clerk, or some other critic of the report of the debates, tortured this familiar passage—from Romans, 7:20—by striking out the proper word, "body," and substituting the improper one. So that, however little the facetious gentleman from Washington knew about questions appertaining to constitutions, the manuscript indicates that his knowledge of scripture was wrongfully impugned.—Ed.

ation we will be very glad. We do not ask them to be generous—we do not demand it as a right—but if they will give from their excess all right. I do hope that this will pass through. Mr. Chairman, I now move that district number one will be adopted.

The CHAIRMAN. The question is on the adoption of the first representative district.

District number one was adopted.

The chairman read the next district as follows:

District number two shall consist of the county of Nemaha, and be entitled to three members.

District number two was adopted.

The chairman read the next district as follows:

District number three shall consist of the county of Otoe and be entitled to six members.

District number three was adopted.

The chairman read the next district as follows:

District number four shall consist of the county of Cass, and be entitled to four members.

District number four was adopted.

The chairman read the next district as follows:

District number five shall consist of the county of Sarpy, and be entitled to one member.

District number five was adopted.

The chairman read the next district as follows:

District number six shall consist of the county of Douglas, and be entitled to nine members.

District number six was adopted.

The chairman read the next district as follows:

District number seven shall consist of the county of Washington, and be entitled to two members.

District number seven was adopted.

The chairman read the next district as follows:

District number eight shall consist of the county of Burt, and be entitled to one member.

District number eight was adopted.

The chairman read the next district as follows:

District number nine shall consist of the county of Dakota, and be entitled to one member.

District number nine was adopted.

The chairman read the next, as follows:

District number ten shall consist of the counties of Cedar, L'Eau Qui Court, Antelope, Pierce and Wayne, and be entitled to one member.

District number ten was adopted.

The chairman read the next, as follows:

District number eleven shall consist of the counties of Madison and Stanton, and be entitled to one member.

District number eleven was adopted.

The chairman read the next, as follows:

District number twelve shall consist of the county of Cuming, and be entitled to one member.

District number twelve was adopted.

The chairman read the next, as follows:

District number thirteen shall consist of the county of Dodge, and be entitled to two members.

District number thirteen was adopted.

The chairman read the next as follows:

District number fourteen shall consist of the county of Colfax, and be entitled to one member.

District number fourteen was adopted.

The chairman read the next, as follows:

District number fifteen shall consist of the county of Platte, and be entitled to one member.

District number fifteen was adopted.

The chairman read the next, as follows:

District number sixteen shall consist of the counties of Butler and Polk, and be entitled to one member.

District number sixteen was adopted.

The chairman read the next, as follows:

District number seventeen shall consist of the counties of Merrick, Howard, Sherman, Valley, Greeley and Boone, and be entitled to one member.

District number seventeen was adopted.

The chairman read the next, as follows:

Disrtict number eighteen shall consist of the county of Hall, and be entitled to one member.

District number eighteen was adopted.

The chairman read the next, as follows:

District number nineteen shall consist of the county of Pawnee, and be entitled to two members.

District number nineteen was adopted.

The chairman read the next, as follows:

District number twenty shall consist of the county of Gage, and be entitled to one member.

Mr. GRIGGS. I move to strike out the word one and insert "two."

The motion was not agreed to.

District number twenty was adopted.

The chairman read the next, as follows:

District number twenty-one shall consist of the county of Johnson, and be entitled to one member.

Mr. WILSON. I move to strike out the word one and insert two.

District number twenty-one was adopted.

The chairman read the next, as follows:

District number twenty-two shall consist of the county of Lancaster, and be entitled to two members.

District number twenty-two was adopted.

The chairman read the next, as follows:

District number twenty-three shall consist of the county of Saunders, and be entitled to two members.

District number twenty-three was adopted.

The chairman read the next, as follows:

District number twenty-four shall consist of the county of Seward, and be entitled to one member

District number twenty-four was adopted.

The chairman read the next, as follows

District number twenty five shall consist of the county of Saline, and be entitled to one member

District number twenty-five was adopted

The chairman read the next, as follows:

District number twenty-six shall consist of the counties of Jefferson and Thayer, and be entitled to one member

Mr PRICE I move to strike out the word Thayer, so that Jefferson county will stand as a district alone I ask the attention of the convention for a few minutes. I believe, sir, that Jefferson county is entitled to one representative alone The vote cast there this spring was 3,000, and, sir, I would like to strike Nuckolls from district number twenty-eight, so that Thayer county may have counties added to it running west In this twenty-eighth district there is one county running south I am not a resident of that county

Mr TOWLE One word, Mr Chairman, upon that proposition It is simply that Jefferson county have one representative, and Thayer county be cut off and added to Nuckolls—a county that has only eight inhabitants in it, and I believe Thayer has only 500, and they would not be entitled to a representative We have done the very best we could under the circumstances.

Mr GRIGGS Mr. Chairman, I wish to say that Jefferson county is entitled to one representative. She has, as shown by the census, alone 2,441 inhabitants, almost enough under the three-fifths rule for two representatives. Now Jefferson county is entitled to the benefit of this three-fifths rule She is shown as having 2,400 population, and demands a senator It is not known what the population of Thayer county is.

Mr. PRICE. Mr. Chairman, as to the population of those counties—Jefferson has sufficient under the three-fifths rule to give her a representative. You attach York, Hamilton, Clay, Fillmore and Nuckolls, which have a population of 1,034, while the census taken two years ago shows Jefferson to have 2,441 inhabitants. I have a letter from a county commissioner of Jefferson county in which he puts the population of Thayer county at 2,500,[1] and if you put off the apportionment until next Friday I will have documents to show the population of those counties

District number twenty-six was adopted

The secretary read the next district, as follows

District number twenty-seven shall consist of the county of Lincoln, and be entitled to one member.

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[1] According to the first state census taken in 1864 three years later than the time in question the population of Thayer county was only 1,781 In 1875 it was 2,139 and in 1876, 2,410 (Nebraska Senate Journal, 1877, p 891, Ed

District number twenty-seven was adopted.

The secretary read the next district, as follows:

District number twenty-eight shall consist of the counties of York, Hamilton, Clay, Fillmore and Nuckolls, and be entitled to one member.

District number twenty-eight was adopted.

The secretary read the next district, as follows:

District number twenty-nine shall consist of the county of Dixon, and be entitled to one member.

District number twenty-nine was adopted.

The secretary read the next district, as follows:

District number thirty shall consist of the county of Kearney, and all other counties and territory not included in any other representative district, and be entitled to one member.

District number thirty was adopted.

Mr. TOWLE. Mr. Chairman, I move the committee rise, report the article back, and recommend its adoption by the convention.

The motion was agreed to.

Mr. ESTABROOK. Mr. President, the committee have had under consideration the article on legislative apportionment, have made sundry amendments and instructed me to report.

Mr. GRAY. Mr. President, I move we take up the article in convention.

The motion was agreed to.

Mr. TOWLE. Mr. President, I move we consider it as a whole.

The motion was agreed to.

Mr. SPRAGUE. Mr. President, I move to amend district number five by making the word counties "county," and striking out the words "and Sarpy."

Mr. TOWLE. I move the adoption of the section.

Mr. GRIGGS. I do not presume that anything that could be said would change this. I see the tide has set in and is carrying everything with it. But I might want to enter my protest; and those who have urged this thing are working against the western country. I shall remember them.

Mr. PRICE. So will I.

The convention divided and the section was adopted.

Mr. GRAY. Mr. President, I move that the rules be suspended, the [reading of the] bill be waived and the article put upon its third reading and passage.

The motion was agreed to.

The PRESIDENT. This is the passage of the bill. As many as are in favor will, as your names are called, answer aye. Those opposed no.

The secretary called the roll.

The president announced the result, ayes 29, nays 11, as follows:

YEAS.

Abbott,	Philpott,
Ballard,	Robinson,
Boyd,	Stevenson,
Campbell,	Stewart,
Eaton,	Scofield,
Gibbs,	Speice,
Granger,	Shaff,
Gray,	Thomas,
Hascall,	Thummel,
Kenaston,	Tisdel,
Kirkpatrick,	Towle,
Lyon,	Wakeley,
Majors,	Weaver,
Myers,	Woolworth.—29.
Newsom,	

NAYS.

Griggs,	Reynolds,
Kilburn,	Price,
Mason,	Sprague,
Moore,	Vifquain,
Neligh,	Wilson.—11.
Parchen,	

ABSENT OR NOT VOTING.

Cassell,	Ley,
Curtis,	McCann,
Estabrook,	Manderson,
Grenell,	Maxwell,
Hinman,	Parker,
Lake,	Mr. President.—12

So the article passed and was referred to the committee on revision and adjustment.

COMMITTEE OF THE WHOLE.

Article on Temperance.

The PRESIDENT. I have the report of the special committee on temperance. Shall we go into committee of the whole upon this subject?

"Agreed! Agreed!"

So the convention went into committee of the whole, Mr. Griggs in the chair, for the consideration of the report of the committee on temperance.

Mr. ABBOTT. I move the committee do now rise and report the article back to the convention, with the recommendation that it lay [lie] on the table.

Mr. STEWART. I think this is one of the most important questions that has, or can, come before us. I have a speech written upon this subject, which I ask permission to hand to the reporters.

"Leave! Leave!"

Mr. STEWART. [Address] handed to the reporters according to agreement.

Mr. Chairman, I look upon the question now under consideration as the most important of any that has ever been before this Convention. The question of prohibition has for years been one of vast concern to the best men of Our Nation, and is one of vast moment to the people of Nebraska at this time. It is a notorious fact that intemperance today Stalks abroad in high places, as well as in the Middle and lower walks of life. Not less thon One Million of Souls are annually sent prematurely to a Drunkard's grave and thousands or widows and orphans are left buffeting on the mercies of an unfeeling world. Today the influence of intemperance is felt in every department of the Government. Elections are controled by the chartered Saloons of large Cities, Conventions run under high pressure of the ardent, freely imbibed by its members. State politics are controlled by the whiskey element in a great measure. The party Caucus is held and the slate

of state made up in some room at the hotel where the bottle passes freely and the mind is more influenced by whiskey than patriotism. I know leading men in this State, Men of fine ability and learning, men of fine feeling and large heart, men that should be useful and shining lights to guide the young and rising generation in the paths of virtue, temperance and happiness yet alas! the Demon drink has marked them for his victim.

They will walk up deliberately and unblushingly to the bar of a whiskey shop and gulp down before the youth of this land, Death and Damnation without compunction. I see in the sparkle of the eye, the blossom on the nose, the bloated visage, and offensive breath, a certain and sure indication of a premature death and a Drunkard's Grave. I saw in this Hall the powerful influence that whiskey has over the politics of this Country. A proposition was before the Legislature two years ago, providing that no license should be granted without the consent of a majority in the town or precinct, when a german arose in his place and sa'd, that if the proposition was carried, all the Germans would vote the Democratic Ticket. And then, oh shame to say, gentlemen on the floor, Christian Gentlemen, honorable Gentlemen, and Temperance Gentlemen, swallowed honor, Christianity, virtue, and Temperance for sake of party power, and voted against the proposition. I now say, as I did then, if there 's no higher principles in the Republican Party to hold them together, or if its perpetuity depends on its support of these Hell Holes of Satan, the Whiskey shop, let her slide, the sooner, the better. It is the Craven disposition of both parties that has so long supported this crying evil. The fear of loosing power and office. I think it is time that the good, the virtuous, the temperate, the honest, the just and wise of all parties were arising as one man, and with the power of right, present a Solid Phalanx to the enemy, and say, so far hath thou gone, but no further shalt thou go. But the opponents of Temperance say you have no right to interfere with our affairs. You have no right to make laws to interfere with the trade of Whiskey, no Right! Have we no right to stay the hand of an assassin when we see it lifted to strike our Brother. No Right to protect the lives and property of our neighbors and friends? Have we no right to close these dens of Satan and arrest the destruction of the Millions of Poor inebriates? Have we no right to prevent Misery, degredation and the death of thousands of the youths of this land? I know we have, and justice demands it. Do not thousands of the widows and orphans of this land cry aloud on behalf of Drunkards wives and Children, and say arrest the downward road of the Husband and Father, before it is too late? Does not self-preservation demand the removal of this evil from our midst? Does not justice to ourselves and children require the arrest of this destroyer? Does not the financial condition of the nation require the suppression of this evil? There is money enough expended for liquor every year in the U. S. alone to pay one fifth of the National Debt.

principal and interest Not only this but it would save millions of dollars annually for the suppression of crime It is a fact which none can successfully deny, that the use of Alcoholic Liquors is the cause of more than one half of the crimes that are committed in this country I know a young man of a most peaceful disposition when sober, but while drunk not more than three weeks ago actuated by the Demon whiskey, entered a Livery Stable and assaulted a man with whom he was on the best of terms, and injured him so severely that he died in two days This young man together wit hanother who was present and drunk, are now lying in the county Jail awaiting his trial for murder Now I say whiskey is responsible for the Death of the man the enormous expense of the County and the ruin of two young men of promise I need not repeat these cases for every Gentleman present is familiar with many Scenes like these We all know that where saloons are common that poverty crime and misery Stalk abroad Instead of providing for their families the husbands and fathers spend their time and means at the Grocery, or in carousal with kindred Spirits The following conveys the idea of the many of like Scenes of misery constantly occurring in our midst It is the New Year and many welcomed in the year with Wine and Song who had wreathed about its young temples the garland which dissipation owes to wine and send it, as it were reeling on its way toward the future but who will watch it departing for ever laden with ardent hopes and high resolve, and worse still with unfulfilled purposes When the keen blast of that New Years night howled around yonder dwelling in the outskirts of the City, a pale wan woman might have been seen sitting, "plying her needle and thread," and as she pondered on the New Year just entered upon its existence, she looked forward to its months with no hope, and reverted to the past with no pleasure The past' What had it written on the page to cheer her? He to whom her young vows were given -who had promised to love and cherish her had all but deserted her and buried feeling and affection in the intoxicating cup. One by one every slender thread of comfort had snapped, and with them some fine heart strings had cracked too Earth to her appeared but a long dreary desert over which a miserable caravan was passing, from which each after the other, the wretched pilgrims turned away and died, far from the refreshing fountain for which they pined And the partner of that loved woman was away bidding farewell to the old year and welcome to the New with the poisonous cup and the thoughtless toast forgetting that every moment which floated by bore its record with it That fortnight scene might have been in the mind of the writer who in portraying such sorrows says

Within a chamber dull and dim, a pale, wan Woman waits in vain throuqa the long anxious hours for him away. In want and wasting pain a babe upon her knee is pining Its winning smiles all scared away she almost hopes the suns next ray may

on its calm cold corse, be shining. Poor watcher. He comes not she dreams perchance of her old home and now upstarting with a livid brow —clasps the babe closer to her breast —that dying child, yet loved the best.

Such is one of the many scenes that are far too common in our midst. Such are some of the baneful effects of intemperance. Wine is a mccker, strong drink is raging and whosoever is deceived thereby is not wise.

The following are the proper views in my opinion in regard to the Drunkard and the rum seller. I would use moral suasicn alone in regard to the drinker. I would show to him the certain ruin of himself and family. Of him certainly to end his career in a drunkard's grave. I would take hold of him by kindness and endeavor to impress him with proper views as to the object of life. I would throw around him all the restraint that friendship could command. And in this way would endeavor to lead him to a higher life. But with respect to the rumseller, who sells that which causes his fellow man to become an inebriate; who for the sake of acquiring wealth, places within a mans reach that which disqualifies him for exercising the reason with which his maker endowed him, and reduces him to a grade far below the level of the beasts that perish: who sells him that which unfits him for discharging the duties of a man and a citizen toward his family and his Country. I say in respect to such a man, who, when the startling truths are pressed home to his heart and conscience, still persists in poisoning the Streams of Society at their fountain Head, a different an a more stringent measure should be adopted. In my opinion, and I Say this out of no ill will in particular to the Rum Seller, he should be prevented by the strong arm of the law from endangering from purely mercenary motives, the peace, the prosperity, and the morals of the community at large. As surely as effect follows cause so certainly would drunkenness diminish and disappear altogether if there were no drunkard-makers. Annihilate the traffic, and then temptation removed, the poor inebriate would have no enemy left to vanquish and would be free indeed.

Mr. BALLARD. As I understand the matter we are now about closing up the business of tnis convention. Here is a propos tion to be submitted to the people as a separate and independent article. This is, I understand, to be the proposition upon the part of the friends of the report. Now, sir, to be consistent with what I have attempted to do, and what I hope to continue to do—that where any question comes up in which a goodly number of the people desire to be heard, I say let them be heard, whether it be upon the subject of selling whisky, or voting railroad bonds, or what not.

Mr. ESTABROOK. Does the gentleman include female suffrage in his "what not?" (Laughter.)

Mr. BALLARD. If the friends of that movement had been content, as gentlemen ordinarily are, I should have voted for the submission of

that question But they aimed to drive us, not only to the wall but through it I only ask, gentlemen, that we follow the rule which has been adopted, that is the liberal rule to let the proposition go before the people, and if they want it, let them vote for it and if they do not, they can vote it down

Mr MYERS Mr. Chairman, I wish to amend the motion of the gentleman from Hall (Mr Abbott) by moving that when the committee rise, we report this article to the consideration of the next legislature

Mr ABBOTT I accept the amendment

The CHAIRMAN The question now is upon the motion that when the committee rise they report the article back to the convention with the recommendation that it be submitted to the next legislature.

Mr PHILPOTT. Mr Chairman I am opposed to the motion to refer the report of the committee on the liquor traffic to the next legislature The report is properly before the committee of the whole of this convention and should receive its consideration Sir, the motion is intended to remove the responsibility of dealing with this subject from this convention to the legislature of the state, an act as unkind and ungenerous in its nature as it is cowardly The propositions of the special committee on temperance are of such character as to place the matter of inhibition or the license of the sale of ardent spirits under the control of the citizens of the counties, cities, precincts and towns of the state, a very mild treatment on our part of the enormous evil of which thousands of our people feel and complain It the report of the committee be not passed upon here and no provision made in the constitution by which the legislature may submit the question of inhibition or license to the people as proposed, the legislature can not by any law which it may pass confer such legislative power to the people of the counties, cities, etc., as would give any constitutional vitality to any proposition upon which they might vote Sir if we intend to give the people of the counties and other municipalities the power to treat this liquor traffic in the way they most desire either by permitting its sale or otherwise in their midst and this seems to be the wish of many by the petitions here on file we must in the first place submit to the people for their adoption some proposition like the one now before us. Gentlemen, are you willing here to fearlessly discharge every responsibility which you have voluntarily assumed? I need not recount to you the evils created by the liquor traffic. The report of the special committee has been before you for several days. Its statistics of crime, and cost in money, and lives only serve to remind you of what you have all your lives been and now are living witnesses Gentlemen there is not one of you who does not know and feel his duty Have you the courage to and will you do it? 'Let all the ends thou aimest at, be thy country's thy God's and truth's'[1]

[1] 'Let all the ends thou aimest at be thy country's
Thy God's and truth's' Ed

Mr. VIFQUAIN. Mr. Chairman, let me ask the gentleman a question, (To Mr. Philpott.) Did not you pay a whisky bill at General Funk's[29] during the session of this convention?

Mr. PHILPOTT. No, Sir, I paid no whisky bill. But, sir, suppose I did; what has that to do with this question? I want to fix it so that no man can pay whisky bills. I ask that you stand up here and help me do this. I do not want a license law at all, but I want the people to say for themselves whether they will prohibit the selling of whisky; the question now is whether we will allow this matter to go before the people.

Mr. MYERS. Mr. Chairman, I wish this question of license or no license could be left to the disposition of the people, without legislative interference, except in so far as revenue to the state may be levied, in the same proportion as taxes are levied upon other taxable assets of the people. I am sure, sir, that it is not a political question and if it was, I would not shrink from any responsibility upon any proper position my party might adopt in reference to it, and, further, it can never, in my opinion, be made a party question. It is more a question of expediency, of individual regulations, the same as the— Convinced of the impossibility of reaching the evil of intemperance in the use of intoxicating liquors by means of constitutional or legislative enactments, I appeal to the higher law governing the minds of men, that of producing conviction.

Mr. KIRKPATRICK. Mr. Chairman, I hope this report will take the course which the gentleman from Douglas wishes it should. I hope the report will be considered in the committee of the whole, as other reports have been. I am ready to meet this question now and here. The matter comes here, in the first instance, from the Good Templars of the state of Nebraska, and I say it is entitled to the respectful consideration of this body. It was referred to a committee, and that committee has reported this article here, which they recommend this convention to submit to the people for their adoption or rejection. That, sir, is a fair proposition. The largest and most numerous petitions which have been presented to this body upon any question come from the people represented in this temperance matter.

Mr. MYERS. If you go to the people with this proposition, it will be voted down by 20,000 majority.

Mr. KIRKPATRICK. Grant it may be, sir, what harm is done? What expense is incurred in submitting it? Now, if that is an excuse for refusing to refer it to a vote of the people, it is folly; but, sir, this question is now being agitated all over the state and will continue to be, by the friends of it.

Now, sir, I will not stop to inform this committee that there ought to be a restriction put upon the sale of intoxicating liquors. The gentlemen all know this. I have heard gentlemen object to the disposition

29. Otto Funke, who kept a liquor saloon in Lincoln.—Ed.

of the fines arising under this section, that it should go to the insane I ask where better could it go? Are there not many persons made insane by this very thing, many a poor woman, and many children, whose reason is destroyed entirely on account of the use of liquor? These gentlemen claim it should go into the school fund, but, sir, I don't believe in sanctifying a fund of this kind. I don't believe in giving license to this evil for the purpose of educating our children in the right I do hope gentlemen will not try to shift their responsibility by simply referring it back to the people without any regard to their wish I propose to have them on the record

Mr ROBINSON Mr Chairman, I hope this amendment will prevail I do not believe in submitting anything as a part of the constitution that I think will not carry I, for one, am opposed to a prohibitory law because I don't think they can be made successful, yet I am in favor of every principle stated in the article There are two ways of reaching this one to make the sale unlawful and the other is to educate the people against the use of it This, of course would be a long way, but I think, the only one that would be successful

Mr WILSON. Mr. Chairman, I rise not to make a speech, but only to allow the gentleman from Cass, (Mr Kirkpatrick) [to] put me on the record I for one will vote against it.

Mr HASCALL. Mr Chairman I will occupy only about five minutes on this subject I will not enter upon the discussion of its merits It is a subject matter of legislation, and it ought to be left in such shape that if it works wrong, it may be appealed [repealed]; and I think it would be improper to put it in the constitution and put it beyond remedy or improvement I think it would be wrong for us to introduce in this constitution of Nebraska a discussion and agitation over the liquor traffic. It is not proper to say anything about this in the constitution or propose a provision that will necessarily be inserted in the constitution, but it is a matter to be regulated by law, and that law is to be shaped by the people through their representatives in the legislature, and if the people want prohibitory laws, they will send men to the legislature who will vote for them and after they have approved them if they do not work well, they will send members to the legislature at the next session to repeal it. Therefore, I say it is improper to treat of it in the constitution and I am willing to go upon the record and [for] leaving it where it belongs with the legislature

Mr KENASTON Mr Chairman, I hope this will not be lightly passed over It is a subject of great importance, and has been presented before this convention from an important source and I hope it will be left as reported by the committee

Mr. MASON. Mr. Chairman, in justice to myself I ought to make a few remarks in respect to the question now under consideration And I might perhaps be permitted to preface those remarks with a declaration that whilst all things around

are rapidly sinking into that mysterious night which must eventually envelop the whole human family, there are efforts which must outlive time itself. These are the efforts of men in associate capacity to elevate and reform public morals and correct public vices. Now, sir, it is idle to say that an evil does not exist. It stalks abroad at noonday and invests the streets at night. It forces itself into legislative halls and deliberative bodies, and retires not from the temple of justice. It goes forth with the sword of death in its hand to slay and destroy, and pauses not with the immediate fact of its own dissolving power, [but] extends its poison to the shrinking child and the weeping mother. And, sir, it is in vain to attempt, in this day and age of the world, either by the machinations of divine power, as in this case, where the amount of capital which because of this drink is equivalent to the combined capital of the entire railroads of this continent, where that much capital comes to the rescue and plants its threatening banners in legislative halls and in judicial decisions, I say I would deem myself less a man than I do, did I not stand up to inquire in the face of that banner and in the public assembly and say, is this right? Ought this thing to be? And, sir, neither the threat of those who vend and deal in this matter, nor their combinations to defeat political aspersions [aspirations?] and [can] deter my action in this regard. Why, sir, because today everywhere among the people the time has ceased to be when the inquiry is, what are party bands and party affiliation? Everywhere, from every hearthstone, from every family altar, from every church organization, and every deliberative body, one inquiry comes up: what is right? That, sir, will tend to elevate, purify and reform the public morals and advance the general good, and, sir, if this convention mingle not their voice in this one anxious inquiry that goes up to heaven all over this land, they will receive the judgment of condemnation from that deliberative judgment sooner or later. Then, sir, I only pause to inquire, what is best in this regard? And in respect to this matter there may be, and doubtless is honest differences of opinion, and the first question for us to consider is, is it prudent, is it right for us to submit this proposition to the people as a separate proposition at the present time? If the legislature possesses all the power to do all that this proposition could do, without receiving the sanction of the people, we had then best pause to inquire whether we had better to submit it to the people or refer it back to the legislature. There are certain facts in respect to this matter which I have taken into consideration, and while I am one of those who believe that in many instances laws are in advance of the public judgment, and one of those who believe just so soon as a public judgment will execute law that there should be an inhibitory law throughout all the length and breadth of the land, but that the hurrying of an inhibitory law before the public judgment will execute it only tends to bring the law into disrepute and make disobedience of law. Now, sir, while I would not

hurry this matter, while I would not force an inhibitory law on the people until the public judgment of the people would execute it and enforce it, I would just as soon as that community would do this thing permit them so to do. Now, does the legislature possess the power to submit or pass a law which embodies the sentiment contained in this resolution without this being submitted as a separate proposition. I think my friend the chairman of this committee (Mr. Philpott,) is mistaken in just one respect. The legislature may pass the law and say it shall not go into effect until it has received the approval of a majority vote of the people, and it is not that vote that gives validity to the law, but that vote that puts it in operation in that community. I conceive, sir, that that vote could not make a law that the legislature might say that it should be inoperative in that community until it had received the approval of a majority vote of the people. Now sir what is the danger, if any, of submitting this as a separate proposition? I conceive, sir, that there may be some danger of arraying a class of men interested in the support and upholding of this evil, there may be some danger to the constitution itself in arraying this vote against it.

Mr PHILPOTT. Mr President, I desire by permission to ask the gentleman from Otoe this question. If the constitution is wholly silent on the question of the inhibition of the sale of ardent spirits, can the legislature of the state empower the electors of a county by vote to inhibit the sale?

Mr MASON. This is what I say the legislature may pass just such a law as is embodied in the resolutions here reported, and they may say that it shall not take effect in any county until such county has, by a majority vote, invoked the power of that law. Were I in a legislative body now, I unhesitatingly say my voice would be heard in favor of some such law, and for the reason that I believe in many cities and towns the public good demands it.

Now, sir, believing there is some danger, and believing there is abundant power in the legislature to regulate this evil, I for one, shall support a motion, not in the language of that now pending, but in different language because, sir, I wish this convention to give its moral sanction and its legal approval to the ideas contained in this resolution. And unless it can be referred to them with some stamp and brand of character upon it from the hands of this convention, I prefer, sir, to stand upon this floor and, to use the classical language of my friend from Dodge (Mr. Gray), to "take the bull by the horns" and see if we cannot submit it from this body. If it can

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Mr. Philpott [illegible] the bill of [illegible] contemplates [illegible] the people [illegible] [illegible] [illegible]

receive the stamp and brand of character from this convention, I am content to leave this evil with the legislature.

One or two words in regard to something personal to myself. I have twice, sir, had occasion to regret, while upon this floor, the attempt to cast upon me a desire to attack, to speak very plain, the high school at Omaha. I refer to an article in the Republican of Saturday last. Why, sir, when I wrote this report and put in the words "insane asylum," this was the only thought I had in my mind: that to take the money from the dram shop was like taking the clothes that the baby stripped had brought to the market, to educate my children. And for this reason I stated insane asylum instead of common school, and I had nothing else in my mind except the one prominent idea: to take this blood money, red with murder, wet with orphan's tears, and bought with widow's sighs, was to stamp the public character with wrong; and for that reason I stated [said] insane asylum. And I desire to say, now and here, that I would rather vote for this that is so like other license moneys, to the support of the school; and I only say this to repel those most unjust aspersions against my motives and intentions.

Now, Mr. Chairman, I offer the following as a substitute for the resolution under consideration.

"Resolved, That the report and resolution of the special committee on the liquor traffic be, and the same is hereby referred to the first legislative meeting under this constitution, and that they are respectfully requested to take the same into earnest and serious consideration and provide such legislation for the regulation or suppression of the evils complained of in the report as shall promote the public morals and advance the best interests of society."

Mr. ABBOTT. Mr. Chairman, I think I can safely accept the substitute for the original motion. All the laws we make must be written in the hearts of the people or they are so much waste paper. There must be the will in the people to enforce those laws, or they are no use. Now, for instance, in regard to capital punishment: It is said, if man sheds blood, by man shall his blood be shed. Now the law has been almost overridden and transformed. The gentleman remarked that the laws today are in advance of the moral sentiments of the community. I believe that; and I am, for one, willing to leave them there. And were I in a legislative body I would vote to keep them there. I believe the remedy is the educating of the people up to this standard. I do not believe in making laws that are not to be executed. We must educate the people up to the subject.

Mr. KIRKPATRICK. Gentlemen seem afraid of getting into bad favor with the people. I want to strip this whole subject of subterfuge. I say that the members of this convention came here to exercise the functions of the people in making a constitutional law; and they have the right to refer this question of the liquor traffic to the people. Let the people say whether they will inhibit the sale of intoxicating liquors or not. Now, what can the legislature

do? It is conceded that if the legislature should pass a law and submit it to the people that law would be unconstitutional The legislature could not delegate its power to the people, it has been so decided I take it for granted that the legislature will know just about as much about this question without this very respectful reference to them This convention has no right to refer any such question to the legislature

I believe I know something in regard to the feelings of the people in reference to this question If this proposition is submitted to the voters of Cass county there will be an overwhelming majority in favor of it The temperance men are strong, active and bold bold for the right The drinking customs have taken hold upon the very foundations of society, and they demand a reform, and demand the right to say whether this liquor traffic shall be planted in their faces Gentlemen seem to be afraid of this question They ask "what effect will this have upon the constitution?" It is not intended to go into the constitution but simply to be submitted as a separate proposition.

Mr ESTABROOK I have just this morning received an invitation to address a temperance meeting in Omaha and it might be well to rehearse a little It is my opinion that there is nothing that shows the political moral flabbiness, out of which politicians are made, to a greater degree as does the liquor question It is shown by the report made by a committee that liquor the drinking and use of them as a beverage, has cost more than the railroads of our country

It is shown, moreover, by the statutes [statistics?] connected with the criminal business of the land that it is the prolific source of nine-tenths of all the criminal business which comes before our tribunals, and yet gentlemen come up here and declare that we cannot consider this question, that we have not the moral or political power to arrest the evil in its progress, that you cannot shake it off, any more than Sindbad the sailor could shake off the Old Man of the Sea Now, sir, I don't believe any such thing as that. I believe that living as we do where we can breathe the pure air which comes to us from the Rocky Mountains, we possess a moral tone which is able to take the bull by the horns and vanquish him

Mr ABBOTT Will the gentleman from Douglas allow me to ask him a question?

Mr ESTABROOK. Yes, sir, as many as you please

Mr ABBOTT Did not Sindbad the Sailor get the Old Man of the Sea off his back by getting him drunk? (Laughter)

Mr ESTABROOK I don't know I am sure nor do I care It seems to me it is strange that the strongest opposition to the temperance movement should come from our foreign born population They are the most difficult to restrain within a reasonable limit in this regard

Mr WILSON The reason of this is that there is less hypocrisy among them than there is among the Americans (Laughter)

reasons why such changes have been made.

The resolution was adopted.

Rights of Suffrage.

The PRESIDENT. Gentlemen, the question is upon the article of right of suffrage. It is on its third reading and passage. Mr. Secretary, read.

The secretary read, as follows:

Section 1. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state, county, precinct and ward for the time provided by law shall be an elector.

First, citizens of the United States.

Second, persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.

Sec. 2. No person under guardianship, non compos mentis or insane, shall be qualified to vote, nor shall any person convicted of treason or felony unless restored to civil rights.

Sec. 3. No elector shall be deemed to have lost his residence in the state by reason of his absence on business of the United States, of this state, or in the military or naval service of the United States.

Sec. 4. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed therein.

Sec. 5. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

Sec. 6. All votes shall be by ballot.

Sec. 7. Uniform laws throughout the state shall be made to ascertain by proper proof what citizens are entitled to the rights of suffrage.

The PRESIDENT. This is the third reading of the article. The question is upon its passage. As many as are in favor will, as their names are called, answer aye, those opposed, no. Mr. Secretary, call the roll.

The secretary called the roll.

The president announced the result, ayes 32, nays 12, as follows:

YEAS.

Abbott,	Reynolds,
Ballard,	Stevenson,
Campbell,	Stewart,
Eaton,	Sprague,
Gibbs,	Scofield,
Granger,	Speice,
Gray,	Shaff,
Griggs,	Thomas,
Kenaston,	Thummel,
Kilburn,	Tisdel,
Majors,	Towle,
Mason,	Vifquain,
Moore,	Wakeley,
Myers,	Weaver,
McCann,	Wilson,
Newsom,	Woolworth.—32.

NAYS.

Boyd,	Lyon,
Cassell,	Manderson,
Estabrook,	Neligh,
Hascall,	Philpott,
Kirkpatrick,	Price,
Lake,	Robinson.—12.

ABSENT OR NOT VOTING.

Curtis,	Maxwell,
Grenell,	Parchen,
Hinman,	Parker,
Ley,	Mr. President.—8.

So the article passed and was referred to the committee on revision and adjustment.

The PRESIDENT. The question now recurs upon this school article. I will say that this article is properly in the hands of the committee on engrossment, but it is in the

hands of the committee of the whole for the purpose of considering one section. If there are no objections made, the rules will be suspended and the section be taken up by the convention.

No objection being made the secretary read the section as follows:

The legislature may require by law that every child of sufficient mental and physical ability between the ages of eight and sixteen years, unless educated by other means, shall in all cases when practicable attend a public school supported by the common school fund for some definite length of time each year to be fixed by law, and may establish a school or schools for the safe keeping, education, employment and reformation of all children under the age of sixteen who are destitute of proper parental care or who are growing up in mendicancy, ignorance, idleness or vice which schools shall constitute a part of the system of common schools.

The PRESIDENT. That proposition is to be submitted separately. The secretary will now read the one which is to be embodied in the constitution.

The secretary read, as follows:

All fines, penalties, and license moneys arising under the general laws of the state shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license moneys arising under the laws, by-laws or ordinances of cities, villages, towns, precincts or other municipal subdivisions less than a county shall belong and be paid over to the cities, villages, towns, precincts or other subdivisions less than a county respectively. The fines, penalties and license moneys in the section specified, shall be appropriated exclusively to the use and support of common schools in the respective subdivisions where the same may accrue, and the purchase of suitable libraries and apparatus therefor.

Mr. ESTABROOK. This proposition provides that all fines, penalties, and licenses arising under the general law shall go into the county treasury where these licenses, fines and penalties are imposed. Those arising under the city laws shall go into the city treasury to be put into the school funds.

The PRESIDENT. The question is on the adoption of the proposition just read to be incorporated in the article on education, school funds and lands. The convention divided and the section was adopted.

The PRESIDENT. The question is upon suspending the rules and as it is properly engrossed referring it to the committee on revision and adjustment.

The section was so referred.

Mr. GRAY. Mr. President, I think I must have been absent at the time when this section was acted upon. Certainly it never was acted upon in the standing committee when I was present. There is certainly something defective in it. The license moneys, fines etc. paid into the city treasuries is to be used for buying suitable apparatus, libraries etc., for the schools. Let me tell you, Mr. President, that the license moneys [and] fines arising from the city of Ottawa for instance will buy the schools for fines as much material of this kind as they will want. At the town of Fremont where I live, we have built a school house costing $17,000 and paid for it out of the moneys arising from licenses

and fines raised in the town of Fremont. How could we have built that house if we had been compelled to devote these funds to the purposes indicated in the section?

It ought to provide that the funds raised from licenses and fines should be used in the particular school district where it is paid in, so that no injustice will be done. But so far as the money being used for the purchasing of suitable apparatus, I know that is not right. There is too large a sum to be limited down in this way. I do hope this particular section will not pass.

Mr. ROBINSON. Mr. President, I hope that this section will not pass at all. The gentleman from Dodge (Mr. Gray), I see, desires that all this money should go into the school fund. I think that the city of Omaha, or any other city, may appropriate this money where they choose. I hold that it should be applied for city purposes. I think here in Lincoln, where our revenue is not very large, it would be a matter of economy to use this to pay the expenses of the city government and not have to levy a tax for that purpose.

Mr. GRAY. Mr. President, I see, on further examination of the section, that it ought to be applied for that one purpose. I will support the article as it is.

Mr. PHILPOTT. I move a reconsideration of the motion by which the section was ordered engrossed.

Mr. CAMPBELL. Mr. President, I am opposed to that. I think when the people of Lincoln have the experience of older towns, they will see that this money is appropriated just where it ought to be.

Mr. ROBINSON. It may suit the older cities, but it don't suit us. I think this ought to go, under the act creating cities of the second class, to the support of the expenses of the city. I see no reason for inserting this in the constitution.

The PRESIDENT. The gentleman from Lancaster will have to amend his motion so as to reconsider the motion by which the rules were suspended and this section put upon its passage.

Mr. PHILPOTT. I will so amend my motion.

Mr. LAKE. Mr. President, I hope we shall not reverse the action of the house as taken in this matter. I believe, in practice, it will be far better that these fines and licenses go to the school fund. My experience has taught me that it is far better that the expenses necessary to run a city government, or any municipal government, should be borne by the people through the medium of taxes assessed on the people, that they may know what money they are paying for the running of the city or municipal government and where it comes from. Now, if moneys are raised from the source contemplated in this section, to wit, from fines and licenses, the people generally pay but very little attention to them, and it is very usual for the whole amount thereof to be exhausted and the people get no benefit therefrom. That has been our experience when the same course was pursued contemplated by the gentleman from Lancaster (Mr. Robinson). Now,

er, the more directly and positively the people bear the burdens of the city government the more economically it will be conducted, more care will be observed by each individual taxpayer as to how the money is expended, but you create a large fund as may be created occasionally in cities and towns from fines and licenses, throw it into the general treasury to be expended as the city council may through their various schemes devise, it will be squandered, it is lost, used up in this enterprise That is what my experience teaches me in respect to these matters Now, sir, it has been the law of the state from an early period of its history, that these fines and licenses should go into the school fund they have been so appropriated generally except when they were used in violation of law They were used up in violation of law in several towns and cities of the state while we were a territory, and in some of them since we became a state In violation, I say of law, because at that time we had upon our statute book [a law] which required that these fines and licenses should go into the school fund Notwithstanding this law they were thrown into the general treasury and used up, and no benefit really done the people in consequence of it Now sir I am told by the gentleman from Lancaster that in the organization of cities of the second class it is provided those funds shall go into the general treasury If that be so I am very sorry for it I believe experience has taught that burdens of the city government ought to be borne by a direct tax that every individual taxpayer has the whole subject matter of the city government called to his mind. When he pays his tax he makes enquiry as to what has been done with the money the year past, and what will probably be done with the money he is about to pay into the city treasury Let this go to a good purpose a beneficial purpose, one which the whole body of the people will say is beneficial. One certainly cannot be devised that is more beneficial to the people that that of education They go into the school fund to purchase libraries, and build school houses for the education of the children. These objects certainly are commendable there can be no doubt about it If you leave it to irresponsible city councils to dispose of the money, there is no knowing what will become of it There may be exceptions If there are, I am glad they are not as corrupt as a particular place I have in my mind

Mr. MASON. Mr. President, the only question in this section is whether we, as a constitutional convention, say the authority delegated to a city for levying a fine for driving faster than a walk over certain bridges, whether that fine shall go to the school fund or repair the damage caused by the fast drive over the bridge I would so amend this article as to leave the fines and penalties levied for violation of a city ordinance in the hands of the respective cities, to do just as they please with them, and for the fines and penalties arising for a violation of the general laws, I would put them in the county treasury To which do they rightfully belong? to the city alone or the whole county? For a violation of

city ordinances the city should do with them just as they please, and never upon this floor have I held any other doctrine. And if, as is claimed, the city of Omaha appropriates anything to the high school, except fines arising from the violation of her ordinances, she ought to have the right so to do. And every other city ought to have the right to put the fines for the violation of her ordinances where she pleases. Why, there is a general law against assault and battery, and the city council enact an ordinance against it and then proceed under the ordinance. And thereby it deprives the school fund of the county of that money which it ought to have from that source. Now, to accomplish this object and levy the fines, forfeitures and penalties accruing—to do that they do just as they seem good. I hope the motion to reconsider will prevail, and that whatever rule we establish, if we give the fines, penalties, and licenses to the counties—I do not know about this word licenses. That does not suit me, exactly, because I want to leave the fines at the disposal of the state; but I do not want money arising from licenses to go to the school fund. In respect to the city ordinances, I do not think we ought to say anything, but leave that exclusively with the police regulations; and I do not know but I should favor paying the fines arising from the sale of intoxicating liquors in the particular municipality where they were levied. I regret this has assumed this condition, because it has gone beyond my power to amend, so as to put the fines and penalties in violation of the state laws into the county treasury; so as to put the license moneys into the particular municipality which levied them; and so as to leave the money arising from the violation of ordinances with the city to do as they please.

The ayes and nays being demanded the secretary proceeded to call the roll.

The president announced the result, ayes 16, nays 26, as follows:

YEAS.

Ballard,	Price,
Cassell,	Robinson,
Eaton,	Thomas,
Majors,	Tisdel,
Mason,	Towle,
Moore,	Vifquain,
Newsom,	Weaver,
Philpott,	Wilson.—16.

NAYS.

Abbott,	Manderson,
Boyd,	Myers,
Campbell,	Neligh,
Estabrook,	Reynolds,
Gibbs,	Stevenson,
Granger,	Stewart,
Gray,	Sprague,
Griggs,	Scofield,
Hascall,	Speice,
Kenaston,	Shaff,
Lake,	Wakeley,
Lyon,	Thummel,
Kilburn,	Woolworth.—26.

ABSENT OR NOT VOTING.

Curtis,	McCann,
Grenell,	Maxwell,
Hinman,	Parchen,
Kirkpatrick,	Parker,
Ley,	Mr. President.—10

So the motion to reconsider was not agreed to.

The PRESIDENT. The question is upon the adoption of the section.

The ayes and nays being demanded, the secretary called the roll.

The president announced the result, ayes 38, nays 5, as follows:

YEAS.

Abbott,	Moore,
Ballard,	Myers,
Boyd,	McCann,
Campbell,	Neligh,
Cassell,	Newsom,
Eaton,	Philpott,
Estabrook,	Price,
Gibbs,	Reynolds,
Granger,	Stevenson,
Gray,	Stewart,
Griggs,	Sprague,
Hascall,	Scofield,
Kenaston,	Speice,
Kilburn,	Shaff,
Kirkpatrick,	Thummel,
Lake,	Vifquain,
Lyon,	Wakeley,
Majors,	Weaver,
Manderson,	Woolworth.—38

NAYS.

Robinson	Towle,
Thomas,	Wilson —5
Tisdel,	

ABSENT OR NOT VOTING.

Curtis,	Maxwell,
Grenell,	Parchen,
Hinman,	Parker,
Ley,	Mr President —9
Mason,	

So the section was adopted

The PRESIDENT The independent section comes before the convention now The question will be upon its passage, and reference to the committee on schedule to be submitted as a separate article

The PRESIDENT The question is upon the adoption of the article on compulsory education, as an independent article

The ayes and nays were ordered and resulted yeas 34 nays 10, as follows

YEAS

Abbott,	Gray
Boyd,	Griggs,
Cassell,	Hascall,
Estabrook,	Kenaston,
Gibbs,	Kilburn,
Granger	Kirkpatrick,
Lake,	Stewart,
Lyon,	Scofield,
Majors,	Speice,
Manderson,	Shaff,
Moore,	Thomas,
McCann,	Thummel,
Neligh,	Tisdel,
Parchen,	Towle,
Philpott,	Vifquain,
Price,	Wakeley,
Robinson,	Weaver. —34.

NAYS.

Ballard,	Reynolds,
Campbell,	Sprague,
Eaton,	Stevenson,
Myers,	Wilson,
Newsom,	Woolworth —10

ABSENT OR NOT VOTING.

Curtis,	Mason,
Grenell,	Maxwell,
Hinman,	Parker,
Ley,	Mr. President.—8.

So the article was adopted.

The PRESIDENT The question is upon referring t to the committee on schedule

It was so referred.

Mr. THOMAS I move to suspend the rule and reconsider the vote upon which the article on counties was adopted. I think the proviso should be stricken out.

The PRESIDENT. The question is upon suspending the rules in order to reconsider the vote by which the article on counties was ordered engrossed

Mr ROBINSON Mr President, I am in favor of reconsidering the article, or at least the section which provides that when a county seat is moved it shall be in a direct line towards the center of the county and not less than ten miles, and I undertake to say that by the adoption of the section which provides a maximum of fees for county officers the

state will save a hundred thousand dollars a year.

Mr. TOWLE. Mr. President, I hope the motion to reconsider the vote will not prevail. There are a great many things in the constitution which individual members are opposed to. If this matter of reconsideration is brought up and allowed, it will open up the whole thing, and we will have to fight our battles over again. I believe, Mr. President, if you commence this business of reconsideration, it will take us a month, at least, to get through. The gentleman from Nemaha (Mr. Thomas) says he wishes to strike out the proviso. Now, I say that that proviso should remain in the way we have it. Now it is fixed in the article, and I hope this convention will not disturb it. Who has, for a moment, denied the power of the legislature to regulate these fee bills as the exigencies of the times demand? I am opposed to reconsideration.

Mr. MASON. Mr. President, I am in favor of this motion to reconsider, for the purpose of getting in that portion which was stricken out, in regard to the fees of certain officers.

Mr. THOMAS. I will state, Mr. President, there are two reasons why this article should be reconsidered. Any person who will carefully examine the article will see that it contains a mere trick that will suit two or three county seats. I will again call [the] attention of the convention to the reading of this section.

Sec. 4. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and two-thirds of the voters of the county, to be ascertained in such manner as shall be provided by general law, shall have voted in favor of its removal to such point; and no person shall vote on such question who has not resided in the county six months and in the election precinct ninety days next preceding such election. The question of the removal of a county seat shall not be oftener submitted than once in six years: Provided, that when an attempt is made to remove a county seat to a point ten miles in a direct line near the center of a county, then a majority vote only shall be necessary, and the question of removal may be submitted once in four years.

Why did you fix on ten miles? Why not say when they want to move it toward the center of the county?

Take the county of Richardson: there the county seat at Falls City is not near the center of the county. If it is the desire of the people to remove it to Salem, which would be nearer the center, but not in a direct line toward the center, it would prevent the people from doing so except by a two-thirds vote—

Mr. TOWLE. Suppose you strike out the words, "in a direct line." Will that suit you?

Mr. THOMAS. No, sir, what we want is to strike out this proviso.

Mr. TOWLE. Would not that apply to Nemaha county?

Mr. THOMAS. Yes, sir. It would look as though you would have it apply for the benent of Richardson and against Nemaha county.

There is another good reason why this should be reconsidered for it appears here that there are county officers in this state that receive more than our state officers I would like to see it reconsidered for the purpose of introducing just such a section as the gentleman from Lancaster (Mr Robinson) has suggested The excess over [$] 2,500 should be paid to the county treasury to be used for such purposes as you see proper I therefore am in favor of reconsideration

Mr. WEAVER. Mr. President, I see very plain that the gentleman does not know what he is talking about The words "direct line" means not in right angles. It does not suppose that it is in a direct line from the old county seat towards the center of the county, but the idea is that you must get it within ten miles closer, or nearer the center.

In regard to this limitation of salaries There was a whole section here applying to every county officer, saying that what fees were collected over a certain amount should be paid into the county treasury What did this convention do? They unanimously struck it out The whole subject matter in regard to the compensation of county officers was left to the legislature I do not think this convention wishes to reverse their action on this subject Why was the proviso put in? It shows on the face of it no county seat should be permanently fixed, but where it is to be moved it shall be ten miles nearer the center of the county There should be some permanance given to the county seat, not to put back county improvements But if the whims of majorities can move county seats all the time, regardless of distance, they will be continually fighting This ten mile clause was put in purposely to give permanance to county seats.

Mr. MASON. Mr. President, there is one thing I desire to say, (As regards the county seat matter, I have nothing to say, one way or the other. I do not know anything about it Gentlemen say we ought not to put a provision in for or against) that is this I did have in my hands a few weeks ago a paper which showed that there was 2,700 deeds recorded by one county clerk and 2,200 mortgages, this would amount to about $5,000 for recording alone. He was paid $1,400 for the tax list, and the aggregated fees amounted to $9,000 for one office, and one man paid him twenty-five dollars per month for the privilege of doing business We ought to provide somewhere that where these fees exceed a given amount, [they] should go into the public treasury. I apprehend that every gentleman on this floor will conceive that if the fees of the county clerk of this county amount to $10,000 a year, when you pay your governor but $3,000, this ought to be provided against, and if it be necessary to secure a reconsideration to make this provision, most assuredly I am in favor of it. Besides, there is the evil arising from this large amount of fees being put in one man's hands It enables them to organize and run periodicals in their interest for the corruption of public morals and the slander of

their neigbors. They should be confined to legitimate fees for their services and when they exceed $2,500 or $3,000—I am willing to be liberal with them—when they run over the salary fixed for the governor, certainly they ought to go into the public treasury. This is all I desire [to say.]

Mr. KENASTON. Mr. President. there is no necessity for bringing this question into the house again for the purpose of reconsideration. Let us look at this matter. There are some counties that need this change; and every county that needs a change of county seat should have it. There is no justice in the fact that they should have to have a two-thirds vote for the purpose of moving a county seat towards the center of the county. Circumstances ought to favor the fact of its being moved towards the center by a majority; and a majority ought to rule and not a simple minority. I hope this will not be reconsidered.

Mr. GRAY. Mr. President,I move the previous question.

The motion was agreed to.

The PRESIDENT. The motion is on reconsidering the vote by which the article on counties was ordered engrossed.

The ayes and nays were demanded.

The secretary called the roll and the president announced the result, ayes 19, nays 21, as follows:

YEAS.

Boyd,	Manderson,
Campbell,	Moore,
Estabrook,	Newsom,
Hascall,	Philpott,
Lake,	Price,
Lyon,	Robinson,
Majors,	Shaff,
Thomas,	Wakeley,
Tisdel,	Woolworth,—19.
Vifquain,	

NAYS.

Abbott,	Parchen,
Ballard,	Reynolds,
Gibbs,	Scofield,
Eaton,	Sprague,
Granger,	Speice,
Gray,	Stevenson,
Griggs,	Stewart,
Kenaston,	Thummel,
Kilburn,	Towle,
Kirpatrick,	Weaver,
Myers,	Wilson.—23.
Neligh,	

ABSENT OR NOT VOTING.

Campbell,	McCann,
Curtis,	Mason,
Grenell,	Maxwell,
Hinman,	Parker,
Ley,	Mr. President.—10

Reconsideration

The PRESIDENT. The question is upon the motion of the gentleman from Lancaster (Mr. Robinson) to reconsider the vote by which the article on minority representation agreed to by the convention was referred to the committee on schedule.

Call of the House

Mr. THOMAS. I move a call of the house.

PRESENT.

Abbott,	Majors,
Ballard,	Mason,
Boyd.	Manderson,
Campbell,	Moore,
Cassell,	Myers,
Eaton,	Neligh,
Estabrook,	Newsom,
Gibbs,	Parchen,
Granger,	Philpott,
Gray,	Price,
Griggs.	Reynolds,
Kenaston,	Robinson,
Kilburn,	Stevenson,
Kirkpatrick,	Stewart,
Lake,	Sprague,
Lyon,	Scofield,

Speece, Vifquain,
Shaff, Wakeley,
Thomas, Weaver,
Thummel, Wilson,
Tisdel, Woolworth,
Towle, Mr President —44

ABSENT

Curtis, Ley,
Grenell, McCann,
Hascall, Maxwell,
Hinman, Parker —8

Mr GRAY I move that all further proceedings under the call be dispensed with

The motion was agreed to

The PRESIDENT The question now returns on the motion to reconsider.

Mr GRAY Upon that motion I call the previous question

The PRESIDENT The question is, shall the main question be now put?

The convention divided, and the motion was agreed to

Reconsideration Again

The PRESIDENT The question now recurs on the motion of the gentleman from Lancaster to reconsider the vote by which the article on minority representation was referred to the committee on schedule

The ayes and nays being demanded the secretary called the roll

Mr MANDERSON, when his name was called I have heard no reason advanced why this should be reconsidered, and therefore I vote no

The president announced the result, ayes 28, nays 17, as follows

YEAS

Abbott, Gray,
Ballard, Griggs,
Cassell, Kennaston,
Estabrook, Kirkpatrick,
Gibbs Lake,
Granger, Lyon,
Majors, Robinson,
Moore, Stewart,
Myers, Sprague,
McCann, Thummel,
Nellgh, Tisdel,
Philpott, Weaver,
Price, Wilson,
Reynolds, Mr President —28

NAYS

Boyd, Scofield,
Campbell, Speice,
Eaton, Shaff,
Hascall, Thomas,
Kilburn, Towle,
Manderson, Vifquain,
Newsom, Wakeley
Turner, Woolworth —17.
Stevenson,

ABSENT OR NOT VOTING.

Curtis, Mason,
Grenell, Maxwell,
Hinman, Parker —7.
Ley,

So the motion to reconsider was agreed to.

Mr GRAY I move that the committee on schedule be ordered to report the article on minority representation to the convention immediately.

Mr WAKELEY Mr President, I have been in deliberative bodies enough to know that two-thirds of the members are more than one-third, and that when they have determined a course of policy upon any particular measure they can carry it out and I beg the gentlemen upon this floor who are reveling in the consciousness of having a decided majority over us to proceed to ratify this great measure of justice and right in a quiet and decent manner I say to the gentlemen that I pledged myself, and as far as I can, with those who are with me, we will resort to no filibustering or anything which will disgrace this convention

man's right to vote again, if he misunderstood the question in the first place.

Mr. NEWSOM. I demand the previous question.

The PRESIDENT pro tempore. Shall the main question be now put?

The main question was ordered.

The question now is, shall the article be reconsidered?

Mr. WAKELEY. I ask for the ayes and nays.

The secretary proceeded to call the roll.

Mr. ESTABROOK, when his name was called. I vote aye expressly to compensate my friends Wakeley and Thomas for voting to submit woman suffrage.

The president pro tempore announced the result, ayes 28, nays 17, as follows:

YEAS.

Abbott,	McCann,
Cassell,	Neligh,
Estabrook,	Philpott,
Gibbs,	Price,
Granger,	Reynolds,
Gray,	Robinson,
Griggs,	Stewart,
Kenaston,	Sprague,
Kirkpatrick,	Shaff,
Lake,	Thummel,
Lyon,	Tisdel,
Majors,	Weaver,
Moore,	Wilson,
Myers,	Mr. President.—28

NAYS.

Ballard,	Stevenson,
Boyd,	Scofield,
Campbell,	Speice,
Eaton,	Thomas,
Hascall,	Towle,
Kilburn,	Vifquain,
Manderson,	Wakeley,
Newsom,	Woolworth.—17.
Parchen,	

ABSENT OR NOT VOTING.

Curtis,	Grenell,
Hinman,	Ley,
Mason,	Maxwell.—7.
Parker,	

So the motion to reconsider was agreed to.

Mr. GRAY. I move that the article be indefinitely postponed, and upon that I call the previous question.

Mr. WAKELEY. I make a point of order, simply this: that it is not competent for a gentleman to make a motion, then make another motion for the previous question.

Mr. TOWLE. I also called for the previous question.

The PRESIDENT pro tempore. The chair is of the opinion that the gentleman cannot make a motion and move the previous question thereon before the motion he makes is stated by the chair; and that the point of order is well taken. The question is upon the indefinite postponement of the article.

Mr. WEAVER. I call for the previous question.

The PRESIDENT pro tempore. Shall the main question be now put?

The PRESIDENT pro tempore. The question now is, gentlemen, upon the indefinite postponement of the article under consideration. The ayes and nays are demanded. As many as are in favor will, as their names are called, answer aye; those opposed, no.

The secretary proceeded to call the roll.

Mr. MOORE, when his name was called. I have voted constantly one way on this question, for the reason that I believe this would be

wrong upon principle No political or partisan feeling has influenced me at any time I vote aye

The president pro tempore announced the result, ayes 27, nays 19 as follows:

YEAS.

Abbott	McCann,
Ballard,	Neligh,
Cassell,	Philpott,
Gibbs	Price
Granger,	Reynolds,
Gray,	Sprague,
Griggs,	Thummel,
Kinnaston	Robinson,
Kirkpatrick,	Stewart,
Lake	Tisdel,
Lyon,	Weaver,
Majors,	Wilson,
Moore,	Mr President 27
Myers,	

NAYS

Boyd,	Stevenson,
Campbell,	Scofield,
Eaton,	Speice,
Estabrook,	Shaff
Hascall,	Thomas,
Kilburn,	Towle,
Mason,	Vifquain,
Manderson,	Wakeley,
Newsom,	Woolworth 19
Parchen,	

ABSENT OR NOT VOTING.

Curtis,	Ley,
Grenell,	Maxwell,
Hinman,	Parker 6

So the motion to reconsider [to indefinitely postpone] prevailed.

Mr STRICKLAND There are two propositions on the president's desk temperance, and revenue and finance I move that we take up the article on temperance I move that the committee of the whole be discharged from any further consideration of the report of the committee on temperance and that the convention take the matter up

The PRESIDENT pro tempore The question is upon the motion of the gentleman from Douglas (Mr Strickland) that the committee be discharged from the further consideration of the report of the committee on temperance, and that the convention take it up

The motion was agreed to

Mr NEWSOM Mr President, I have a resolution I wish to offer. Leave being granted the secretary read the resolution as follows:

Whereas, A majority of the convention did on caucus, determine to defeat the submission of the question of minority representation,

Resolved, That it is only necessary for the caucus to make known to the convention what they have determined upon and the convention will, quietly, and without effort to delay the proceedings of the convention submit,

Mr TOWLE I move that the resolution be referred to the caucus

The motion was not considered.

Mr STRICKLAND I move to lay the resolution on the table The motion was agreed to

The PRESIDENT The question now before the house is the report of the committee on temperance,

ARTICLE

Section 1 The legislature shall provide for submitting to the legal voters of each county in the state the question of "inhibition," or "license" and in those counties in which a majority of the votes cast are in favor of inhibition, the sale of intoxicating beverages of every description shall be inhibited

Sec 2 The legislature shall further provide that in any county in which a majority of the votes cast shall be in favor of license on the petition of ten freeholders who are legal voters, the question of inhibition and of license shall be submitted to the legal voters of any city, town, precinct, or township in

the state; and in any city, town, precinct, or township, in which a majority of the votes cast are in favor of inhibition, the sale of intoxicating beverages of every description shall be inhibited.

Sec. 3. The legislature shall further provide that in those counties, cities, towns, precincts and townships, in which a majority of all the votes cast are in favor of license, upon the petition of ten freeholders who are legal voters, license for the sale of alcoholic, vinous or malt liquors may be granted, on the payment into the treasury of the state, for the use of the insane asylum, of not less than one hundred dollars every three months, and the bond of the applicant for license, with the aforesaid ten freeholders who have petitioned for such license, making him and them jointly and severally responsible for all injury done to life, person, or property, whether of the state, county, city, town, precinct, township, or individual, which can be shown to have been committed by any person or persons in a state of intoxication who have procured the intoxicating beverage, by purchase, donation, or otherwise, from the person or persons so licensed.

And the legislature shall further provide for the proper punishment, by fine or imprisonment, or both, of those who sell or give away alcholic, vinous or malt beverages without such license.

Mr. ESTABROOK. Mr. President, I offer a substitute for the whole report which reads as follows:

The legislature shall provide by general law for submitting to the electors of counties, cities or towns in the state the question of "license" or "no license," and shall prescribe the manner of carrying into effect the will of the people so expressed.

The PRESIDENT. I desire to suggest to the committee that if this section should prevail it would be free whisky without a license or whisky with license. (Laughter.)

The question is upon the adoption of the substitute offered by the gentleman from Douglas (Mr. ESTABROOK).

Mr. PHILPOTT. I move to amend the proposed substitute by striking out the word license where it first occurs and also strike out the word no, before the word license, where it appears the second time, and insert the word inhibition in the place of the word license.

Mr. ABBOTT. I move to indefinitely postpone the whole subject matter.

The PRESIDENT. The question is upon the motion of the gentleman from Hall (Mr. Abbott).

The yeas and nays being demanded, the secretary proceeded to call the roll.

Mr. WAKELEY, when his name was called. Mr. President, I desire to explain my vote. Since dinner, I have held a short consultation with myself, and have decided that this question should go the way of the minority representation. (Laughter.) I vote aye.

The president announced the result, yeas 12, nays 30, as follows:

YEAS.

Abbott,	Speice,
Campbell,	Thummel,
Eaton,	Vifquain,
Parchen,	Wakeley,
Robinson,	Weaver,
Stevenson,	Wilson.—12.

NAYS.

Ballard,	Griggs,
Boyd,	Hascall,
Cassell,	Kenaston,
Estabrook,	Kilburn,
Gibbs,	Kirkpatrick,
Granger,	Lake,

Lyon,	Price,
Majors,	Reynolds,
Mason,	Stewart,
Moore,	Sprague,
Myers,	Scofield,
McCann,	Shaff,
Nellgh,	Thomas,
Newsom,	Tisdel,
Philpott,	Woolworth.—30

ABSENT OR NOT VOTING.

Curtis,	Manderson,
Grenell,	Maxwell,
Gray,	Parker,
Hinman,	Towle,
Ley,	Mr President.—10

The PRESIDENT pro tempore The question now occurs on the motion of the gentleman from Douglas (Mr Estabrook), as amended by the gentleman from Lancaster (Mr Philpott), which amendment was accepted by the gentleman from Douglas.

Mr HASCALL Mr President, I move to lay the report and all motions on the table, and recommend it to the consideration of the next legislature

The motion was not agreed to

Mr BOYD I move to strike out the word shall and insert 'may' I am willing to leave this whole matter to the legislature

The PRESIDENT pro tempore The question is on the amendment of the gentleman from Douglas (Mr Boyd) The ayes and nays are demanded Secretary, call the roll

YEAS

Abbott,	Scofield,
Boyd,	Thomas,
Cassell,	Thummel,
Eaton	Tisdel,
Granger,	Towle,
Hascall,	Wakeley,
Myers,	Weaver,
Parchen,	Wilson
Robinson,	Woolworth,
Stevenson,	Mr President 20

NAYS.

Ballard,	Mason,
Campbell,	Moore,
Estabrook,	McCann,
Gibbs,	Nellgh,
Gray,	Newsom,
Griggs,	Philpott,
Kenaston,	Price,
Kilburn,	Reynolds,
Kirkpatrick,	Stewart,
Lake,	Sprague,
Lyon,	Shaff,
Majors,	Vifquain. 24,

ABSENT OR NOT VOTING.

Curtis,	Manderson,
Grenell,	Maxwell,
Hinman,	Parker,
Ley,	Speice. 8,

So the amendment was not agreed to.

Mr STEWART I move to insert after the word license, in the third line, the words "for the sale of intoxicating liquors."

The motion was agreed to

Mr EATON I move to strike out the words 'intoxicating liquors" and insert, in lieu thereof, the words 'alcoholic liquors"

The motion was not agreed to,

The PRESIDENT pro tempore. The question is on the adoption of the substitute offered by the gentleman from Douglas (Mr Estabrook). The ayes and nays are demanded

Mr. BOYD. Mr. President, is it to be submitted as a separate proposition?

The PRESIDENT pro tempore. Yes, sir.

Mr HASCALL There is nothing before the convention to indicate that condition

The PRESIDENT pro tempore The special committee reported the article for which this is offered as

registered in the office of the auditor of state.

With regard to that amendment, I desire to say that it is not the same which I understand was submitted to the convention yesterday. This provides for the registering of bonds with the auditor of state, and thereby effectually stops the fraudulent issue of bonds in any city, township or county.

'Object! Object!"

Mr. McCANN. I move that the vote by which this article was ordered engrossed for a third reading be reconsidered.

The ayes and nays being demanded, the secretary called the roll.

The president announced the result, ayes 23, nays 19, as follows:

YEAS.

Abbott,	Price,
Cassell,	Reynolds,
Estabrook,	Robinson,
Granger,	Thomas,
Griggs,	Thummel,
Lake,	Tisdel,
Manderson,	Wakeley,
Myers,	Weaver,
McCann,	Wilson,
Neligh,	Woolworth,
Newsom,	Mr. President.—23
Philpott,	

NAYS.

Ballard,	Lyon,
Boyd,	Stevenson,
Campbell.	Stewart,
Eaton,	Sprague,
Gibbs,	Scofield,
Gray,	Speice,
Hascall	Shaff,
Kenaston,	Towle,
Kilburn,	Vifquain.—19.
Kirkpatrick,	

ABSENT OR NOT VOTING.

Curtis,	Mason,
Grenell,	Maxwell,
Hinman,	Moore,
Ley,	Parker.—10.
Majors,	

So the motion to reconsider was agreed to.

The PRESIDENT. The question now is upon the proposition of the gentleman from Otoe (Mr. McCann).

Mr. McCANN. The object of this provision is simply to provide for the honest discharge of their duties by the authorities of cities and towns. The state, neither directly nor indirectly, becomes responsible for the payment of the bond. But every section by going to the office of the auditor of state can ascertain whether more bonds have been issued than the act provides for.

Mr. BALLARD. Who, sir, is to defray this enormous expense of running to the capital?

Mr. McCANN. I will say that if it were 300 or 400 or 500 miles, the county had better pay for the registering of those bonds, which could be done by letter, with the auditor of the state, than pay $10,000 or $50,000 or $100,000 bonds fraudulently issued.

Mr. GIBBS. Suppose there is a lot of fraudulent bonds issued from my county, will my county be responsible for such issue?

Mr. McCANN I will answer that we distinctly provide that a county cannot be made responsible for such fraudulent issue. I will answer the gentleman from Burt (Mr. Gibbs). If there is an act of the legislature authorizing your county to issue a certain amount of bonds, your county treasurer is supposed to have the law before him when he registers these bonds.

Mr. WOOLWORTH. Suppose the county officers issue bonds which are

registered and the auditor countersigns them, does that have the effect of charging either the county or state with liability? If it does, then I shall vote one way, if it does not, I shall vote another

Mr McCANN I understand this to be the way of it before any county or city can issue bonds, they must apply to the legislature for power This power is given them by the legislature, and they are allowed to issue bonds to a certain amount. Now, if they exceed that amount, I call it a fraudulent issue The fact of the bonds being countersigned and registered certifies to the world that the bonds were issued by authority

The PRESIDENT pro tempore The question is upon the adoption of the substitute offered by the gentleman from Otoe (Mr. McCann).

The convention divided and the substitute was not divided [adopted]

Adjournment.

Mr. WOOLWORTH Mr President, I move the adjournment of the convention until tomorrow morning at 10 o'clock It is impossible for the committee on revision and adjustment to get ready to report before that time.

Mr. HASCALL. Mr. President, I move the article be engrossed

The ayes and nays being demanded, the secretary proceeded to call the roll.

Mr BALLARD, when his name was called Mr President, I vote aye, because I am in favor of the exemption of all church property from taxation.

The president announced the result, yeas 32, nays 13, as follows

YEAS.

Ballard,	Maxwell,	
Campbell,	Moore,	
Cassell,	Myers,	
Eaton,	Neligh,	
Estabrook,	Parchen,	
Gibbs,	Price,	
Granger,	Reynolds,	
Gray,	Shaff,	
Griggs,	Sprague,	
Kenaston,	Spence	
Kilburn,	Stevenson,	
Kirkpatrick,	Stewart,	
Lake	Tisdel	
Lyon,	Towle	
Majors,	Vifquain,	
Mason,	Wakeley	32

NAYS

Abbott,	Scofield,	
Boyd,	Thummel,	
Hascall	Thomas,	
McCann,	Weaver,	
Manderson,	Wilson,	
Newsom,	Woolworth	13
Robinson,		

ABSENT OR NOT VOTING.

Curtis,	Parker,	
Grenell,	Philpott,	
Hinman,	Mr President	—7
Ley,		

So the motion to have the article engrossed was agreed to.

The PRESIDENT. The question is on the motion to adjourn until tomorrow morning at 10 o'clock.

The motion was agreed to.

So the convention, at 6 o'clock and 35 minutes, adjourned.

FORTY-SIXTH DAY

Thursday, August 17, 1871.

The convention met at 10 o'clock, a m, and was called to order by the president.

Prayer.

Prayer was offered by the chaplain as follows:

Almighty God, may it please Thee to bless the labors of the day. May

all be done in agreement with the best good of the state, with no purpose but that which is for Thy honor and the welfare of all the people. May the responsible duties of the day be met and done by the workers here. Amen.

Reading of the Journal

The journal of the last day's proceedings was read and approved.

Mr. REYNOLDS. Mr. President, your committee on enrollment and engrossment, to whom was referred the article on inhibition or license, respectfully report that they have examined the same and find it correctly engrossed.

Mr. WOOLWORTH. Mr. President, your committee on revision and adjustment have examined the legislative article and recommend the following corrections:

1. That said article be numbered Article III, and be entitled Legislative Department.

The recommendation was agreed to.

Mr. WOOLWORTH. Strike out "shall be," in first line of first section and insert "is."

Agreed to.

Mr. WOOLWORTH. Strike out "all bills" in the first line of second section and insert "every law."

The amendment was agreed to.

Mr. WOOLWORTH. Strike out "branch" in the seventh line of second section and insert "house."

The amendment was agreed to.

Mr. WOOLWORTH. Insert "shall be" after "nays" in tenth line of said section.

Agreed to.

Mr. WOOLWORTH. Strike out "at the end of" in third and fourth lines of section three.

Agreed to.

Mr. WOOLWORTH. Insert after "until," in fifth line, "the year 1878, inclusive."

Agreed to.

Mr. WOOLWORTH. Strike out "when" in said line.

Agreed to.

Mr. WOOLWORTH. Strike out "their" and insert "its" in eighth line.

Agreed to.

Mr. WOOLWORTH. Strike out "such" and insert "each" in ninth line.

Agreed to.

Mr. WOOLWORTH. Strike out all of section after and including "provided," in eighteenth line.

Insert the following in place of the fourth section.

Sec. 4. In making the appointment for senators each county having three-fifths of the senatorial votes shall be entitled to one senator and be a senatorial district. Each county entitled to one or more senators, and having a surplus of three-fifths of such votes, shall be entitled to an additional senator therefor. Contiguous counties, no one of which has three-fifths of the senatorial ratio, shall be formed into districts containing respectively, as nearly as practicable, the full ratio, and not less than three-fifths thereof.

The amendment was agreed to.

In place of section 5 insert the following:

Sec. 5. Representatives shall be chosen by districts of convenient contiguous territory, as compact as may be, to be defined by law. Each county having three-fifths of the ratio shall be entitled to one representative. Each county having a surplus of

three-fifths of the ratio shall be entitled to one additional representative. A county having less than three-fifths of the ratio shall be joined with one or more like counties to form a representative district, containing as nearly as practicable the full ratio, and not less than three-fifths thereof, and no county therein shall be included in any other representative district, but no county shall be divided for the purpose of attaching a part thereof to another county, in forming such representative district.

The amendment was adopted.

Insert the following as a new section:

Sec. 6. The house of representatives shall consist of fifty-seven members, and the first senate shall consist of nineteen members. After the first election the number of members of each house shall be regulated by law, but the number of representatives shall never exceed one hundred, nor that of senators thirty-three. In the year 1871 representatives shall be chosen for one year, and thereafter for two years. Senators shall be elected in the year 1871 for one year and thereafter for two years.

The amendment was adopted.

Mr. GRAY. Mr. President, I desire to offer a resolution.

The secretary read the resolution as follows:

"Resolved, That the privileges of the floor are hereby extended to the Honorable E. H. Rogers, of Fremont."

The resolution was agreed to.

Leave of Absence.

Mr. PARCHEN. Mr. President, I ask to be excused from further attendance upon this convention.

Leave granted.

Report of the Committee on Revision and Adjustment, Again.

Mr. WOOLWORTH. All the provisions of section 20 are incorporated in other sections of the article, so that section will be stricken out when we come to it. I will say that other corrections which have been made are merely verbal except to strike out certain sections which have been incorporated in other portions of the constitution.

The PRESIDENT. The question is upon the adoption of the amendments suggested by the committee on revision and adjustment.

The amendments were agreed to.

Mr. WOOLWORTH. To insert in the thirty-second section, before the word manner, the word in.

The amendment was agreed to.

Mr. WOOLWORTH. In the fifth line of the thirty-third section to insert the word of before the word laws, and in the fourteenth and fifteenth lines to change the word disapprove to "disapproves."

The amendment was agreed to.

Mr. WOOLWORTH. Your committee have examined the executive article and report as follows: That it be entitled 'Executive Department' and numbered article IV.

The report was adopted.

Mr. WOOLWORTH. It is proposed to insert the word last in the third line.

The amendment was agreed to.

Mr. WOOLWORTH. Amend section 6 by striking out the word three in the fifth line and insert two, and insert the word of before the words "this state," at the end of the section.

The amendment was agreed to.

Mr. WOOLWORTH. In the eleventh line of the eleventh section, to strike out "shall be" and insert the word is, and in the thirteenth line to insert the word all before the words "the senators."

The amendment was agreed to.

Mr. WOOLWORTH. In the second line of the thirteenth section, to insert the word the before the word power; and in the twenty-first line of the same section to insert the word shall in place of may.

The amendment was agreed to.

Mr. WOOLWORTH. To insert in the fourteenth section the words "and navy forces" after the word military.

The amendment was agreed to.

Mr. WOOLWORTH. To insert at the end of section 16 the words "and every order, resolution or vote in which the concurrence of both houses shall be necessary."

The amendment was agreed to.

Mr. WOOLWORTH. To amend the eighteenth section by striking out the last sentence.

The amendment was agreed to.

Mr. WOOLWORTH. In section 21 insert in fifteenth line "provided" for "prescribed."

Agreed to.

Mr. WOOLWORTH. In section 24 strike out "public" in twenty-seventh line, before "buildings" and insert "public" before "lands."

Mr. WOOLWORTH. In seventeenth line of twenty-fifth section strike out "with fidelity."

Agreed to.

Mr. WOOLWORTH. Strike out "said" in forty-second line of twenty-sixth section.

Agreed to.

Mr. THOMAS. Mr. President, your committee on revision and adjustment would report that they have carefully examined the article entitled "The Judicial Department." and recommend the following corrections, to-wit:

In second line of section 1 strike out "one" and insert "A."

Agreed to.

Mr. THOMAS. In the sixth line of section 10 strike out the word and.

Agreed to.

Mr. THOMAS. In the eighth line of the fifth subdivision of section 10 strike out the word judicial.

Agreed to.

Mr. THOMAS. In section 11, line nine, change "bounds" to "boundaries." In twelfth line, after the word members, insert "elected to."

Agreed to.

Mr. THOMAS. In first line of section 12 insert at beginning the word the.

Agreed to.

Mr. THOMAS. Strike out section 27 and add the following to section 14: "Nor shall any salary or other compensation be paid by the state to any county judge."

Agreed to.

Mr. THOMAS. In section 16, after the word of, in twelfth line, insert "not less than."

Agreed to.

Mr. THOMAS. In twelfth line strike out "and upwards."

Agreed to.

Mr. THOMAS. In fifteenth line strike out "to sell real estate" and insert "in sales of real."

Agreed to.

Mr THOMAS. In sixteenth line strike out "in sales of real estate."

Agreed to

Mr THOMAS. In section 18, lines thirteen and fourteen, strike out the words "cause involving the title to real estate" and insert "matter wherein the title or boundaries of land may be in dispute"

Agreed to

Mr. THOMAS. In section 21, line seventeen, after the word legislature, insert the words "at each regular session," and before the word legislature strike out "reat."

Agreed to

Mr THOMAS In section 23 change the word annual to "general."

Agreed to

Report of Printing Committee.

Mr CAMPBELL The committee on printing desire to make the following report

The secretary read the report, as follows

Mr President, your committee on printing and binding, to whom was referred the resolution relating to the printing and distribution of the constitution most respectfully report the following for the consideration of the convention

J C CAMPBELL,
Chairman

Resolved That the secretary of state be directed to have printed forthwith in pamphlet form, 15,000 copies of the address and constitution in the English language, and 3 000 copies of the same in the German language, and that they be expressed, in equal numbers at the public expense, to the members of the convention

2 Resolved, That the secretary of state be instructed to furnish to each weekly newspaper in the state, at the earliest practicable moment, two printed copies of the address and constitution for publication, to be paid for out of an appropriation to be made by the first legislature that shall convene under this constitution Provided, That no paper shall receive more than twenty-five dollars for the same

3 Resolved, That the secretary of this convention be, and is hereby authorized to prepare a copy of the journal of proceedings of this convention and an index of the same for publication, at a cost not exceeding three hundred dollars, and that he is hereby charged with the revision and proof reading of the same, for which he shall receive the sum of three hundred dollars [$3] per day

4 Resolved That the secretary of state be, and he is hereby, authorized to advertise for bids for the publication of the journal and debates of this convention for four consecutive weeks, and that he be and is hereby required to contract with the lowest bidder for doing said work

5 Resolved That one of the reporters of this convention be, and is hereby authorized to prepare an index to the debates of this body to be published therewith, and that he be allowed a sum not exceeding dollars for the same and that he shall be charged with the revision and proof reading of said debates and index, for which he shall receive the sum of three hundred dollars [$3] per day

6 Resolved That when the journal and debates of this convention shall be published, that the secretary of state shall cause to be forwarded to each member of this convention two copies of each

Mr HASCALL I move that the report be referred to the committee of the whole

Mr. WILSON. I move we resolve ourselves into committee of the

whole for the consideration of that report.

Petition

Mr. ESTABROOK. I have a memorial I would like to offer.

The secretary read the memorial, as follows:

To the honorable, the constitutional convention of Nebraska, now in session:

Your memoralists, the State Teachers' Association of Nebraska, believing that the public welfare is intimately connected with the successful conduct of the public school system of the state, and believing that the great object of that system is the training of the children of the state for the exercise of the privileges and the performance of the duties of citizenship; and, whereas, the manner in which the apportionment of school money will affect the public interests in proportion as it secures the education of youth, and not in proportion to the number of dollars and cents apportioned to each pupil for that object; and, whereas, there is no county in the state in which there are not school districts that will be obliged to abandon their organization from an inability to sustain a school if the apportionment be based on the number of youth enumerated. Therefore,

We, your memoralists, respectfully and earnestly pray that the convention will not incorporate into the constitution to be submitted to the people any clause that will so determine the specific mode of distributing the school money; that the legislature shall not [?] have power to make any adjustment that experience shall prove to be for the best interests of the state and the cause of education. And your memoralists will, in duty bound, ever pray.

J. J. McKENZIE,
President.
A. M. GHOST,
Secretary.

Mr. CAMPBELL. I move that the memorial be referred to the committee on schools.

The motion was agreed to.

Resolution

Mr. KIRKPATRICK. I have a resolution I wish to offer.

The secretary read the resolution, as follows:

Resolved, That the chairmen of the committees of this convention ought to return to the convention all petitions, memorials and propositions to amend the constitution that have been referred to them, to the secretary of the convention, and deposited in the office of the secretary of state.[31]

Mr. KIRKPATRICK. The people have spoken to this convention and expressed their views with regard to constitutional methods, by the petitions, memorials and resolutions; and I think they ought to be returned and deposited as my resolution demands.

Mr. EATON. Those memorials will be of no use. They will all appear in the journal when published.

Mr. HASCALL. I hope this will not be adopted. In the first place, there is a record kept by the secretaries of the substance of them, and where parties introduced resolutions they are in full, and besides, the reporters have them both in full.

The resolution was agreed to.

Report From Revision Committee

Mr. WOOLWORTH. Mr. President, your committee on revision have examined the article on Rights

31. Why the many unintelligible communications to the convention, such as this one, were not revised, then and there, seems inexplicable. The mover of the resolution probably intended that it should direct the chairmen of committees to return the papers in question to the secretary of the convention, to be by him deposited in the office of the secretary of state.—Ed.

of Suffrage, and recommend as follows:

1. That said article be numbered VI, and be entitled "Rights of Suffrage."

2. In the fourth line of section one strike out "and" before "ward," and insert "or," and insert "and" before "precinct."

3 Amend section 2, so that it will read, as follows:

No person shall be qualified to vote who is or shall be under guardianship, non compos mentis, or convicted of treason or felony under the laws of this state or of the United States, unless restored to civil rights.

4 Insert the word or before "of this state," in the fourth line of the third section, and strike out of said section, at the end thereof, the words "or in the military or naval service of the United States"

The amendment was agreed to.

Motion to Reconsider

Mr WAKELEY. On yesterday the gentleman from Otoe moved to reconsider the vote by which the article on municipal corporations was adopted, for certain purposes which he named, and I move the motion be now considered

The PRESIDENT Will the gentleman from Pawnee (Mr. Stewart) take the chair.

The PRESIDENT pro tempore The question now before the convention is the motion to reconsider the vote by which the article on railroad corporations was ordered engrossed for its third reading

Mr BALLARD Mr President, before that is put I wish to know the object of it.

Mr MASON The gentleman will turn to the second section of the article I propose to amend by striking out the words "shall be considered personal property and."

The PRESIDENT pro tempore. The clause can be stricken out by unanimous consent.

Consent given and words "shall be considered personal property and," in the second line of the second section, were stricken out.

Mr MASON Mr. President, there is another section in this article in respect to which I have some serious doubts as to the propriety of allowing it to remain. I move to strike out the words "or by authority of the general government," in the second line of the first section. I desire to say that this amendment will relieve this section of what may be an unwarrantable attempt to interfere with what may be considered to be the agent of the general government -the Union Pacific railroad There is no disposition on my part to relieve any corporation of its liabilities in the way of taxes, or any other way, but I do not want to write myself down in this article an ignoramus or an ass

Mr. BOYD. Mr. President, I wish to amend section 3 so that it will not require that a majority of the directors of railroad corporations shall reside in this state. I think this provision will have the effect of keeping capital out of the state

The PRESIDENT pro tempore This cannot be entertained without unanimous consent

Mr BOYD Mr President, I move a reconsideration of the vote by which this bill was engrossed

Mr ROBINSON I hope this amendment will carry and the mo-

tion to consider will prevail. The only object of railroads is to act as common carriers, and to secure that advantage to us I am willing that foreign capital may be employed. Now, sir, after we have got the railroads here, I would like to know how they can take them out of the country? If there was any probability of that then there might be some reason for this provision; but, as it is, it will hinder and obstruct these corporations, and for that reason it ought to be struck out. If foreign directors furnish capital, then, sir, they ought to be allowed to control that capital.

Mr. WOOLWORTH. Mr. President, when this matter was called to my attention before, although I never had the opportunity to vote upon it, I was decidedely in favor of the proposition; but further reflection has led me to think differently. It is not true, sir, that it is necessary to have these directors live in the state in order to control these roads. The courts and power of this state can reach these corporations more effectually by laying their hands upon the property within the state than upon the men; and when they refuse to do what is right I will go as far as any man to make them do it. But I don't think this provision will accomplish what is designed by it. It will have the effect to make them send strong men here to carry out the intentions of these directors. If there was any good in it I would be in favor of it; but I don't see that it will do the least good.

Mr. EATON. There is a similar provision of this kind in the constitution of the state of Missouri, and that provision has done more than anything else to keep the Hanibal & St. Joe railroad from crowding out every other railroad in the state.

Mr. WOOLWORTH. I wish to ask the gentleman if he don't think Jim Craig does just what the Boston capitalists tell him to do?

Mr. EATON. I have no doubt that he does, sir. The Boston capitalists own a great share of the Hannibal & St. Joe road, and tried to cut off all the resources of the North Missouri road, but were prevented doing so by the railroad law of Missouri.

Mr. TOWLE. Mr. President, it appears to me this portion of the constitution would keep foreign capital out of the state of Nebraska. Let us cast our eyes over the various enterprises in this state, from the Nemaha to the Loup, and tell me what railroad is operated and owned, even in part, by Nebraska capitalists. I believe the Midland Pacific is the only one owned in the slightest part by residents of Nebraska.

Mr. BOYD. Both the Omaha roads are owned by Nebraska men.

Mr. TOWLE. Take, for instance, the road coming up through southern Nebraska. They have already expended $1,000,000, and have just reached the county line; they propose going on and expending two or three million dollars more in the state. Is it right to tell those men that they must do it indirectly? I do not know that it would have any great effect towards injuring their capital. Now, sir, it would be just as reasonable, in my judgment, to require a man who is doing a mer-

cantile business in the state, if in Lincoln, that he is to reside there. Just as proper to say to an individual who owns a piece of land that he shall not own it unless he lives within the limits of the state. I do not believe geographical limits should regulate capital. It should go wherever it pleases I believe the section will work a greater injury to the people of the state than to these corporations. I hope the article will be reconsidered and the objectionable portion stricken out.

Mr LAKE Mr. President, could I see any good reason why a provision of this kind should be retained in the constitution I most certainly would oppose a reconsideration and oppose striking it out, but I can see none I have heard none advanced. I believe I was not here when the discussion was had on this proposition heretofore. I agree with my colleague (Mr. Woolworth) when he states that those roads built within our state in pursuance of laws enacted by our legislature are just as completely within the control of our legislature as though the directors resided here. I can see no difference, no advantage to be gained by this unusual requirement; but I can see, as the gentleman from Richardson (Mr Towle) says he sees, positive disadvantage Now, sir, I would be perfectly willing for a company to organize outside the state and, in pursuance of our own state laws, build a road through any portion of our territory where a road should be desirable; and most certainly no road will be built by foreign capital unless it is thought by those capitalists furnishing the means that it will be valuable, that it will result in the future to their good and to their advantage. I would not throw any impediment in the way of foreign capital coming to our state I would not engraft upon the constitution, nor upon any act of the legislature any provision which would tend to keep foreign capital out of the state We need it Our roads, thus far, have been built through the aid of foreign capital, and even those roads owned by our own people are substantially pledged to foreign capitalists in order to obtain the means wherewith to build them, to a greater or less extent. And provisions which we may engraft upon the constitution should be of that character which should invite, rather than repel capital which is owned abroad It seems to me, Mr. President, that no one principle should [could] be engrafted in our constitution that would have a more direct tendency to prejudice capitalists residing abroad against the idea of bringing their capital here than this, and like provisions. Now, sir, I would ask, are not all the roads built within our state, built in pursuance of acts of our own legislature, completely within their control just as much as though the directors resided here? I think so, most certainly As my colleague well said, the state authorities by means of our courts, can take hold of these corporations by seizing their property, all that they have within the state subject to the judgment of our courts Is not this sufficient? Is not this adequate to completely control them in such man-

ner as the legislature may determine? I was sorry to see such a provision engrafted on this article, and I am very glad for the opportunity to assist in rectifying what I believe would be a great evil, and shall vote in favor of striking it out.

The PRESIDENT pro tempore. The question is on reconsideration.

The motion was agreed to.

Mr. BOYD. Mr. President, I move to strike out all after the word law, in fourth line of third section.

The motion was agreed to.

Mr. MASON. I demand the ayes and nays.

The PRESIDENT pro tempore. The motion was declared carried.

Mr. MASON. Then I ask permission to have my protest go on record.

"Leave! Leave! Leave!"

The PRESIDENT pro tempore. The gentleman has leave.

Mr. GRAY. Mr. President, I move to suspend the rules and put the bill on its passage.

The motion was agreed to.

The PRESIDENT pro tempore. The question is on the passage of the article. All favoring its passage will say aye as your names are called; contrary, nay.

The secretary called the roll and the president announced the result, yeas 32, nays 6, as follows:

YEAS.

Abbott,	Kenaston,
Ballard,	Kilburn,
Boyd,	Lake,
Cassell,	Lyon,
Estabrook,	Majors,
Gibbs,	Manderson,
Granger,	Myers,
Gray,	Newsom,
Griggs,	Philpott,
Price,	Stewart,
Reynolds,	Thummel,
Robinson,	Tisdel,
Shaff,	Towle,
Sprague,	Vifquain,
Speice,	Wakeley,
Stevenson,	Woolworth.—32.

NAYS.

Campbell,	Kirkpatrick,
Eaton,	Mason,
Hascall,	Neligh.—6.

ABSENT OR NOT VOTING.

Curtis,	Parchen,
Grenell,	Parker,
Hinman,	Scofield,
Ley,	Thomas,
McCann,	Weaver,
Maxwell,	Wilson,
Moore,	Mr. President.—14

So the [article was adopted] bill was passed.

Mr. TOWLE. Mr. President, I move the article be referred to the committee on revision and adjustment.

The motion was agreed to.

Temperance

The PRESIDENT pro tempore. The secretary will read the article on temperance.

The secretary read the article, as follows:

The legislature shall provide by general laws for submitting to the electors of counties, cities or towns, in the state, the question of "license" or "no license," and shall prescribe the manner of carrying into effect the will of the people so expressed.

The PRESIDENT pro tempore. The question is on the adoption of the article.

Mr. MANDERSON. I find by referring to the original report of the committee on temperance that [it] recommended that it be embodied in the constitution, and yesterday we voted for it as a separate article.

Mr. HASCALL. Yes, I know we did.

Mr MASON I move that it be put upon its passage as a separate proposition

Mr. HASCALL I object The ayes and nays have been demanded.

Mr PHILPOTT It was well understood that it was to be put as a separate proposition.

The ayes and nays being demanded the secretary called the roll

The president pro tempore announced the result, ayes 21, nays 20, as follows:

YEAS

Ballard,	Moore,
Campbell,	Neligh,
Cassell,	Newsom,
Gibbs	Philpott,
Griggs,	Price,
Kinnaston,	Reynolds,
Kilburn,	Stewart,
Kirkpatrick,	Sprague,
Lyon,	Shaff,
Majors,	Tisdel 21
Mason	

NAYS.

Abbott,	Robinson,
Boyd	Speice
Eaton,	Thomas,
Granger	Thummel,
Gray,	Towle,
Hascall,	Vifquain,
Lake	Wakeley,
Manderson,	Wilson,
Myers	Woolworth,
Stevenson,	Mr President 20

ABSENT OR NOT VOTING

Curtis,	Maxwell,
Estabrook,	Parchen,
Grenell,	Parker,
Hillman,	Scofield,
Lee	Weaver —11.
McCann,	

So the article passed

Mr KIRKPATRICK I move to refer it to the committee on schedule to be submitted as a separate proposition.

The motion was agreed to

Resolution

Mr WAKELEY I have a resolution

The secretary read the resolution as follows

Resolved That the official reports of the debates and proceedings of this convention shall, on the completion thereof, be placed in the custody of Messrs Robinson Philpott and Cassell who shall carefully preserve the same until they shall have offered to all members of the convention an opportunity to revise their remarks if they shall desire to do so, and shall then deposit the same with the secretary of state

Mr MASON I move its adoption

Mr HASCALL I move to refer to the committee of the whole

The motion was agreed to

Adjournment

Mr BOYD I move to adjourn until 3 o'clock

The motion was agreed to, and the convention (at 12 o'clock and 25 minutes) adjourned

Afternoon Session

The convention was called to order at 3 o'clock by the president

Mr. STEWART. Mr. President, I move to reconsider the vote by which we refused to reconsider the vote whereby the article on counties was adopted

Revision and Adjustment

The PRESIDENT Will the gentleman from Pawnee (Mr Stewart) give way for a moment until the chairman of the committee on revision and adjustment can make his report?

YEAS.

Boyd, Price,
Campbell, Stewart,
Cassell, Speice,
Estabrook, Shaff,
Granger, Thomas,
Lyon, Tisdel,
Majors, Vifquain,
Manderson, Wakeley,
Myers, Weaver,
Newsom, Woolworth.—20.

NAYS.

Abbott, Maxwell,
Ballard, Neligh,
Eaton, Stevenson,
Gibbs, Sprague,
Gray, Scofield,
Kenaston, Thummel,
Kilburn, Towle,
Kirkpatrick, Wilson.—16.

ABSENT OR NOT VOTING.

Curtis, Mason,
Grenell, Moore,
Griggs, Parchen,
Hascall, Parker,
Hinman, Philpott,
Lake, Reynolds,
Ley, Robinson,
McCann, Mr. President.—16

So the motion to reconsider was agreed to.

The PRESIDENT. The question now is upon the suspension of the rules.

Call of the House.

Mr. BALLARD. I move a call of the house.

The secretary called the roll, as follows:

Present

Abbott, Hascall,
Ballard, Kenaston,
Boyd, Kilburn,
Campbell, Kirkpatrick,
Cassell, Lyon,
Eaton, Majors,
Estabrook, Manderson,
Gibbs, Maxwell,
Granger, Myers,
Gray, Neligh,
Newsom, Thomas,
Parchen, Thummel,
Philpott, Tisdel,
Price, Towle,
Robinson, Vifquain,
Stevenson, Wakeley,
Stewart, Weaver,
Sprague, Wilson,
Scofield, Woolworth,
Speice, Mr. President.—42[32]
Shaff

Absent.

Curtis, Ley,
Grenell, McCann,
Griggs, Mason,
Hinman, Moore,
Lake, Parker.—10.

Mr. GRAY. I move that all further proceedings under the call be dispensed with.

The convention divided and the motion was not agreed to.

Mr. SCOFIELD. I move to adjourn until 4 o'clock.

Mr. KIRKPATRICK. I move that all further proceedings under [the] call be dispensed with.

The motion was agreed to.

Mr. WILSON. I move we adjourn.

Mr. GRAY. I move the previous question.

The PRESIDENT. The ayes and noes are called upon the motion made to suspend the rules, that we may reconsider the proviso.

Mr. THOMAS. I move we reconsider the vote by which the proviso to section 1 was adopted.

The PRESIDENT. You cannot reconsider a part. It must be the whole article, and the question now is to suspend the rule.

Mr. MAJORS. I wish to say that while it may be true we have to reconsider or suspend the rule before

32. A miscount. Probably Reynolds was present.—Ed.

we can reach article number one, we may, of course, as friends and persons interested to have that proviso reached, say to gentlemen here that that is the only object for which we ask the suspension of the rule.

Mr SPRAGUE Mr. President, I wish to inquire if this vote, by which the article was adopted, is reconsidered, does it not leave the article open to amendment?

The PRESIDENT pro tempore. No, sir.

The yeas and nays being demanded, the secretary called the roll.

The president announced the result, yeas 27 nays 14, as follows

YEAS

Boyd,	Parchen,
Campbell,	Philpott,
Cassell,	Price,
Eaton,	Robinson,
Estabrook,	Shaff,
Griggs,	Speice,
Hascall,	Stevenson,
Lake,	Stewart,
Lyon	Thomas,
Majors	Tisdel,
Manderson,	Vifquain,
Moore,	Wakeley,
Myers,	Weaver 27
Newsom,	

NAYS

Abbott,	Maxwell,
Ballard,	Neligh,
Gibbs,	Scofield
Gray	Sprague,
Kennaston,	Thummel,
K Dorn	Towle,
Kirkpatrick,	Wilson 14

ABSENT OR NOT VOTING.

Curtis,	Mason
Granger,	Parker,
Gressell,	Reynolds,
Hinman,	Woolworth,
Lee,	Mr President 11
McCann,	

So the vote by which the article on counties was adopted was reconsidered.

Mr. THOMAS. Mr. President, I desire to call up the report of the committee on municipal corporations, which was referred to that committee yesterday One of the sections reads as follows:

Every municipal, and every county officer, paid in whole or in part by fees, shall be required to make a report, semiannually, under oath, to some officer to be designated by law, of all their fees and emoluments; and such fees and emoluments, exclusive of necessary clerk hire, shall not in any one year exceed the sum of $2,500, and all excess over that sum shall be paid into the treasury of the county or city in which such officer shall reside.

The PRESIDENT pro tempore. No objection being made, it will be taken up, but I believe, by the rules, it is to be taken up in committee of the whole.

Mr. STEWART. Mr. President, I move we go into committee of the whole for the purpose of considering the section.

Mr MAXWELL I move to amend the motion by adding "and also consider the report of the committee on printing and binding "

Mr. STEWART. I accept the amendment

The PRESIDENT pro tempore. The question is upon the motion of the gentleman from Pawnee (Mr. Stewart) as amended

The motion was agreed to

So the convention went into committee of the whole, with Mr Kirkpatrick in the chair

Mr. SCOFIELD. Mr. Chairman, I move that when the committee rise it report the article back to the convention, with the recommendation that it be indefinitely postponed.

The motion was agreed to.

The CHAIRMAN. The committee now have under consideration the report of the committee on printing and binding.

The secretary read the first section as follows:

Section 1. Resolved, That the secretary of state be directed to have printed forthwith, in pamphlet form, 15,000 copies of the address and constitution in the English language, and 3,000 copies of the same in the German language; and that they be expressed in equal numbers, at the public expense, to the members of the convention.

Mr. STEVENSON. I move to amend by inserting 3,000 in Danish, and 3,000 in Bohemian. I will state, in support of this amendment, that if we are to provide for the publication of copies of this constitution in any form, we should provide for it in all foreign languages represented in the state. As far as I am concerned, I would rather have only one language, but if we have German we should treat all alike.

Mr. CAMPBELL. The reason the committee did not provide for other than German was because there was a small portion of the other languages represented.

Mr. STEVENSON. That may be so down near Nebraska City, but north of the Platte there are large numbers of Bohemians who probably cannot read a word of English, and it is the same with the Swedes. We ought to serve all alike.

Mr. HASCALL. In the ward in which I live there are at least 100 Bohemian voters, and we have a Bohemian paper in the state. There is also a large number of Scandinavians, and they have a paper. I think we should publish in the English, German, Bohemian, and Scandinavian, too. It will be money well spent.

Mr. STRICKLAND. Does the resolution provide for the publication in different languages in the different papers?

The CHAIRMAN. I suppose that includes the different languages. It says "the weeklies."

Mr. GRAY. I move to strike out the first resolution.

The CHAIRMAN. I must take the amendment of the gentleman from Cuming (Mr. Stevenson) first. I rule you cannot make a motion to strike out.

Mr. GRAY. This state is not able to print so much as is proposed by these several resolutions, and it is able to publish two or three times in every weekly paper in the state, which will give very thorough information throughout the state, as to what the constitution is. There are some German papers, and a Scandinavian, which circulate very generally. If published in pamphlet form the circulation will be defective. I hope this resolution will be defeated. Upon this question of order, I read rule 26.

No. 26. A motion to strike out the proposition shall have precedence of a motion to amend, and if carried shall be deemed equivalent to its rejection.

The CHAIRMAN The gentleman reads the rule correctly

Mr STEVENSON I hope that motion will not prevail If any section is to be stricken out let it be that one which compels us to publish the Constitution in the newspapers The pamphlets will be of the greatest use

Mr BALLARD I wish some wise man would figure up what amount of expense we are about to incur. I think, quoting the gentleman from Douglas (Mr Estabrook), 'There is a good deal of clothesline for a very small wash" (Laughter) I shall vote against the whole thing in its present form.

Mr CAMPBELL I should like to know how the gentleman proposes to publish it, if he votes against the whole thing. It will take about $800 or $1,000 to publish the pamphlets

Mr ABBOTT I would like to ask the gentleman from Otoe (Mr. Campbell) how much it will cost to publish these pamphlets

Mr CAMPBELL Eight hundred, or a thousand dollars

Mr ABBOTT How much will it cost to publish in the newspapers"

Mr GRAY Something over $900

Mr ESTABROOK It seems to me it would be difficult to secure the translation of this constitution before the time it should be submitted to the people Now I am in favor of having it printed in only one language and that is what I call "the American language." I will take occasion to say, right here that I am opposed to publishing any of our laws in anything but the American language When a man comes here from a foreign country, he expects to obey our laws, and, with the facilities we have in this country for learning the language, he can soon learn to read the laws, and if he is not willing to take the pains to do this, let him go without the knowledge I believe, too, that those papers whose circulation throughout the state amounts to anything have a sufficent amount of enterprise to prompt them to publish the constitution entire or a synopsis of it, at least, as a matter of news

Mr. GRAY. How will they get it?

Mr ESTABROOK Let them get it from "Bobster"[20] (Omaha Herald correspondent). Why you can't keep it from them, you can hardly hold a caucus without having the ear of a newspaper reporter at the key-hole. I will undertake to say that every paper in the state can get it if they want it What do you expect to do with 15,000 copies of the constitution? It would give one to every family in the state If the members of this convention are not ashamed of their work, they will give free and full information regarding this matter all over the state I am in favor of publishing the constitution simply in pamphlet form, and let the lowest bidder for the job get it If you employ some one to translate it in the different languages, you will find that you will have to wait a long time be-

[illegible]

ted at the same time for adoption or rejection the independent section relating to the liability of stockholders in banking corporations companies and associations; the independent article prohibiting state, county and municipal indebtedness; the section relating to compulsory education and reformatory schools; and the section relating to inhibition and license.

At said election the qualified electors shall vote at the usual places of voting, and the said election shall be conducted and the returns thereof made according to the laws now in force regulating general elections, except as herein otherwise provided.

Sec. 8. The secretary of state shall, at least ten days before said election, cause to be delivered to the county clerk of each county blank poll books, tally lists, and forms of returns, and twice the number of properly prepared printed ballots for the said election that there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the secretary is by law required to be audited and paid, and several county clerks shall, at least five days before said election, cause to be distributed to the judges of election in each election precinct in their respective counties, said blank poll books, tally lists, forms of return and tickets.

Sec. 9. At the said election the ballots shall be in the following form:

New Constitution Ticket.

For all the propositions on this ticket which are not cancelled with ink or pencil and against all propositions which are so cancelled.

For the New Constitution.

"For the independent section relating to the liability of stockholders in banking corporations, companies and associations." "For the independent article prohibiting state, county and municipal indebtedness." "For the section relating to compulsory education and reformatory schools." "For the section relating to inhibition and license." Each of said tickets shall be counted as a vote cast for each proposition thereon not cancelled with ink or pencil, and against each proposition so cancelled, and returns thereof shall be made accordingly by the judges of election.

Sec. 10. The returns of the whole vote cast, and of the votes for the adoption or rejection of this constitution, and for or against the articles and sections respectively submitted shall be made by the several county clerks to the secretary of state, within fourteen days after the election; and the returns of the said votes shall within three days thereafter, be examined and canvassed by the president of this convention, the secretary of state, and the auditor, or any two of them, and proclamation shall be made forthwith by the president of this convention, or the secretary of state, of the result of the canvass.

Sec. 11. If it shall appear that a majority of the votes polled are "for the new constitution," then so much of this constitution as was not separately submitted to be voted on by articles and sections shall be the supreme law of the state of Nebraska, on and after the eighth day of October, A. D., 1871, except as otherwise provided herein; but if it shall appear that a majority of the votes polled were "against the new constitution," the whole thereof, including the articles and sections separately submitted, shall be null and void. If the votes "for the new constitution" shall adopt the same, and it shall appear that a majority of the votes polled are "for the independent section relating to the liability of stockholders in banking corporations, companies, and associations," said section shall be a part of the constitution of this state, and shall be substituted for section two in the article entitled "Banks and Currency," otherwise such independent section shall be null and void.

If the votes "for the new constitution" shall adopt the same, and it shall appear that a majority of the votes polled are "for the independent article prohibiting state, county and municipal indebtedness," said article shall be a part of the constitution of this state, and shall be substituted for article number , entitled "state, county and municipal indebtedness," otherwise such independent article shall be null and void

If the votes "for the new constitution" shall adopt the same, and it shall appear that a majority of the votes polled are "for the section relating to compulsory education and reformatory schools," said section shall be a part of the constitution of this state, and stand as section number of article number , entitled , otherwise such section shall be null and void

If the votes "for the new constitution" shall adopt the same, and it shall appear that a majority of the votes polled are for the section relating to "inhibition and license," said section shall be a part of the constitution of this state and stand as section number —, of article number , entitled , otherwise such section shall be null and void

Sec 12 The general election of this state shall be held on the Tuesday succeeding the first Monday of November of each year. All state, district, county, precinct and township officers by the constitution or laws made elective by the people, except school district officers and municipal officers in cities, villages and towns, shall be elected at a general election to be held as aforesaid. Judges of the supreme, district and county courts all elective county and precinct officers and all other elective officers, the time for the election of whom is not herein otherwise provided for, and that are not included in the above exception, shall be elected at the first general election after the adoption of this constitution, and thereafter at the general election next preceding the time of the termination of their respective terms of office:

Provided, That at the first election of the judges of the supreme court, herein provided for, no elector shall vote for more than two candidates for such office, and the three persons having the highest number of votes shall be declared elected.

Sec 13. The terms of office of all state and county officers, of judges of the supreme, district and county courts, members of the legislature, and regents of the university, shall begin on the first day of January next succeeding their election.

Sec. —. The present state and county officers, members of the legislature, and regents of the university shall continue in office until the officers to be elected at the first general election under this constitution shall qualify and be ready to enter upon the discharge of the duties of their respective offices.

Sec. —. The supreme court, the district courts, and the county courts established by this constitution shall be the successors respectively of the supreme court, the district courts, and the probate courts, having jurisdiction under the existing constitution.

Sec The supreme court, and the district and the probate courts now in existence shall continue and the judges thereof shall exercise their powers and retain their present jurisdiction until the courts provided for by this constitution shall be organized and capable of transacting business

Sec All cases matters and proceedings, pending undetermined in the supreme court, are hereby transferred to the supreme court herein provided for, and shall be heard and determined therein; and all cases, matters and proceedings pending undetermined in the district courts for the respective counties are hereby transferred to the district

courts for the same counties herein provided for, and shall be heard and determined therein; and all cases, matters and proceedings, pending undetermined in the probate courts of the respective counties, are hereby transferred to the county courts of the same counties, and shall be heard and determined therein.

And all records and proceedings in any court shall be transmitted to its successor; and all orders, judgments or decrees of any court, shall remain unimpaired by the adoption of this constitution, and shall be enforced by and in the court which is the successor of that by which they were made, rendered or entered.

Sec. —. In case this constitution be adopted, the existing constitution shall cease in all its provisions.

Sec. —. The provisions of this constitution required to be executed prior to the adoption or rejection thereof shall take effect and be in force immediately.

Sec. —. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

Sec. —. On the taking effect of this constitution, all state officers thereby continued in office shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this constitution.

Sec. —. This constitution shall be enrolled and deposited in the office of the secretary of state, and printed copies thereof shall be prefixed to the books containing the laws of this state, in all future editions thereof.

Sec. —. The legislature shall provide by general law for submitting to the electors of counties, cities or towns in the state the question of "inhibition" or "license" for the sale of intoxicating liquors, and shall prescribe the manner of carrying into effect the will of the people so expressed.

Section Of Educational Article To Be Submitted As a Separate Proposition.

Education.

Section 1. The legislature may require by law that every child of sufficient mental and physical ability, between the ages of eight and sixteen years, unless educated by other means, shall, in all cases when practicable, attend a public school supported by the common school fund, for some definite length of time each year to be fixed by law, and may establish a school or schools for the safe keeping, education, employment and reformation of all children under the age of sixteen who are destitute of proper parental care, or who are growing up in mendicancy, ignorance, idleness, or vice, which school shall constitute a part of the system of common schools.

Municipal Subscriptions or Donations to Railroads or Private Corporations.

Sec. —. No county, city, town, township or other municipality shall ever become subscriber to the capital stock of any railroad, or private corporation, or make donation to, or loan its credit in aid of such corporation: Provided, however, that the adoption of this article shall not be construed as affecting the right of any such municipality to make such donation where the same has been authorized under existing laws by a vote of the people of such municipalities prior to such adoption.

Sec. 2. Each stockholder in a banking corporation, company, or association, shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to twice the entire amount of his or her respective stock or shares

so held, for all its liabilities accruing while he or she remains such stockholder

Mr BOYD Mr President, I move that one hundred copies be ordered printed in circular form.

Mr MASON Mr. President, before that motion is put I would like to offer a resolution which I wish to have incorporated in the schedule

The secretary read the resolution as follows

The legislature may provide a suitable residence for the governor of this state

The resolution was read first and second time and referred to the committee of the whole

Mr MASON Mr. President, this schedule article is a very important matter changing from the old to the new, and should be examined very carefully Until I have the report before me, I could not do it I hope the motion of the gentleman from Douglas (Mr Boyd) to have the report printed will be adopted

Mr LAKE I think this schedule is quite as important an article as any in our constitution, probably more so I have heard it read in the committee room and am satisfied mainly with its provisions, but I am well aware that the large majority of this convention knows nothing except what they hear at the clerk's desk It cannot be such as a satisfactory to everyone and I hope it will be published. The committee on revision and adjustment have work sufficient to keep them busy this evening and no time will be lost, really, because for one I prefer to be in the convention when business is being transacted We have tomorrow and next day in order to complete our work, and because we are very nearly through, we should not exhibit undue haste, but should finish up what remains in a manner which will at least be creditable to us

Mr. WOOLWORTH. Mr. President, as to the printing in bill form, and as to the printing at all, I do not think that any time would be lost in the printing If it should take longer to print in bill form that time will certainly not be lost. The work of engrossing the instrument is not proceeding with very great rapidity, it could scarcely be ready to submit to the committee before evening tomorrow, and the work of the committee on revision yet remaining, as suggested by my colleague (Mr Lake), is very considerable It has been utterly impossible for that committee to meet and examine these articles during the sessions, although a good deal of work has been done by individual members while business was going on But the committee could not meet and carry forward their examinations while the business of the convention was going on, and I do not believe there will, in the end be any delay by taking all the time that is necessary in order to get this bill printed and so that it can be very carefully and carefully examined It is very important, and it will not answer for us just at the heels of this session, to neglect a matter so important I hope the printing will be done in bill form.

so that amendments may be made if necessary.

Mr. ABBOTT. I move to include in the motion the report of the committee on printing.

Mr. ESTABROOK. I am told by those who are good authority that in bill form it could scarcely be laid on our tables until before tomorrow noon, but that in circular form it could be ready by eight o'clock tomorrow. I hope the motion will be modified accordingly.

The motion to print in circular form was agreed to, and one hundred copies ordered.

Resolution.

Mr. BOYD. I ask leave to offer a resolution in regard to the expenses of this convention.

The secretary read the resolution as follows:

Resolved, That the committee on public accounts and expenditures be, and they are hereby requested to make a report to this convention of the amount paid members and employees, and an itemized account, as near as practicable, of the amount expended for all other purposes.

The resolution was adopted.

Adjournment.

Mr. WILSON. I move we adjourn until eight o'clock tomorrow morning.

Leave of Absence.

Mr. WEAVER. I ask indefinite leave of absence after tomorrow at noon.

Leave not granted.

Additional Compensation to Reporters.

Mr. MASON. Since we had up the question of additional compensation to the reporters for night sessions, I have informed myself somewhat in respect to the services rendered, and the prices usually paid for such services. I shall therefore move, at the proper time, to allow compensation for night services.

The motion to adjourn was withdrawn.

Mr. GRIGGS. I move that the recommendation of the committee of the whole, on the article on municipal corporations, be concurred in.

The motion was agreed to.

Mr. WILSON. I now renew my motion to adjourn until eight o'clock tomorrow morning.

The motion was agreed to and the convention, at 5 o'clock and 47 minutes, adjourned.

FORTY-SEVENTH DAY.

Friday, August, 18, 1871.

The convention met at 8 o'clock and was called to order by the president.

Prayer.

Prayer was offered by the chaplain as follows:

O Lord, may it please Thee to bless us today... (Manuscript defaced.—Ed.). May the closing hours of the convention have the good care of the good Father. Amen.

Report of Committee on Revision.

Mr WOOLWORTH. Mr President, your committee on revision have examined the articles on counties and township and precinct organization, and recommend:

1 That said articles be consolidated and numbered nine

The recommendation was agreed to

2 Amend the sixth line of section 1 of the article as adopted, by the convention, so as to read at the end thereof, "and in any county that shall have adopted it"

3 And insert in the eighth line the word the in the place of "a," and the word law in place of "legislature"

The amendments were agreed to.

4 And add "ed" to "elected" (?) in the fourth line of the section.

The amendment was agreed to

The PRESIDENT Has the chairman of that committee any other report?

Mr WOOLWORTH. Mr President, your committee on revision have examined the three articles on Miscellaneous Corporations, Banks and Currency, and Railroad Corporations, and recommend that the same be consolidated and named "Corporations," and arranged as follows 1, Miscellaneous corporations 2, Banks, 3, Railroads, and the sections be accordingly numbered

The recommendation was agreed to

2 Amend section 2 of the first article, so as to read, "All corporations may sue and be sued in like cases as natural persons"

The amendment was agreed to.

3. Strike out of the fourth and fifth lines of section 3 the words, "after the exhaustion of the corporate property," and add to the section the words, "after the corporate property shall have been exhausted."

The amendment was agreed to.

4 Insert "be" in the place of "have been" in the fourth line of section 5

The amendment was agreed to.

5 Strike out of the twenty-fourth and twenty-fifth lines of section 1 of the article on railroad corporations the words "on the road," "the amount received for" and "thereof."

The amendment was agreed to.

6. Strike out "upon sixty days" and insert "after" in the tenth line of section 5 of said article, and in the eleventh line after "notice" insert "for sixty days"

The amendment was agreed to.

7. Insert "which" in the place of "that," in the fourth line of section 8 of said article, and insert "constructed" after "has" in the seventh line, and strike out of ninth, tenth and eleventh lines "land grants made or hereafter to be made to any corporation or company," and insert "lands granted."

The amendments were agreed to.

The PRESIDENT. Has the chairman of the revision committee any further report?

Mr WOOLWORTH Mr President, your committee on revision have examined the article on future

amendments, and recommend as follows:

1. That said article be entitled "Amendments to the Constitution," and be numbered.

The recommendation was agreed to.

2. Strike out of the fourth line of the first section, "the same shall be," and out of the sixth line 'such proposed amendment or amendments," and out of the thirtieth to the thirty-fourth lines, inclusive, the words "the people shall approve and ratify such amendment or amendments," "of the qualified voters of this state," "such amendment or amendments," so that the same will read, "and if ratified by a majority of those voting thereon, shall become a part of this constitution;" and amend the proviso so as to read, "if two or more amendments be submitted at the same time provision shall be made for taking the vote thereon separately.

The amendments were agreed to.

3. Strike out of the ninth and tenth lines of section two the words "voting thereon at the election," and insert "of the votes cast thereon be," and in the twelfth line insert "therefore," after "provide," and strike out "a convention," and in the sixteenth line of said section insert "compensation" in place of "pay," and in the eighteenth line of said section insert "thereof and of" in the place of "of the same together with."

The amendments were agreed to.

Reports.

Mr. THOMAS. At the request of the chairman of the committee on judiciary, I submit the following report.

The secretary read the re follows:

Your committee on judici whom was referred the consid of the propriety of defining constitution the boundaries state, do report that they hav fully considered the subject and do not deem it necess insert in the constitution an on that subject.

Mr. HASCALL. I move th report be taken up in conventi

Mr. GIBBS. I move the ad of the report.

The motion was agreed to.

Mr. TOWLE. I move tha convention take up the rep the committee on schedule.

The motion was agreed to.

Schedule.

The secretary read the firs tion as follows:

Section 1. That no inconve may arise from the revisio changes made in the constitut this state, and to carry the into complete effect, it is here dained and declared that all la acted, to take effect hereafte all laws in force at the adopt this constitution, not incon therewith, and all rights, a prosecutions, claims and contra this state, individuals or bodi porate, shall continue to be as as if this constitution had no adopted.

The first section was adopt

The secretary read the nex tion, as follows:

Sec. 2. All fines, taxes, pen and forfeitures due and owing state of Nebraska, under the ent constitution and laws, shall

to the use of the people of the state of Nebraska under this constitution

The second section was adopted.

The secretary read the next section as follows

Sec. 3. Recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the state of Nebraska to the state of Nebraska to any state or county officer, or public body, shall remain binding and valid, and rights and liabilities upon the same shall continue and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of this state

The third section was adopted

Mr VIFQUAIN Mr President, I offer an additional section to go in here which reads as follows

Delinquent taxpayers that become delinquent on the annual taxes due April 1st 1871 are hereby relieved of all fines and interest upon the same, and the time for payment is extended to the first of April, 1872

Mr ROBINSON. Mr. President, I move a call of the house The motion was agreed to

The secretary called the roll

The president announced the result, present 11, absent 11, as follows

PRESENT

Abbott,	Lyon,
Ballard,	Majors,
Boyd	Manderson,
Eaton,	Maxwell,
Estabrook,	Moore,
Gibbs	Myers
Granger	Neligh
Gray	Parchen,
Griggs	Philpott,
Hascall,	Price
Kenaston,	Reynolds,
Kilburn,	Scofield,
Kirkpatrick,	Shaff
Lake	Sprague,
Speice,	Vifquain,
Stevenson,	Wakeley,
Stewart,	Weaver,
Thummel,	Wilson,
Thomas,	Woolworth,
Tisdel,	Mr President.
Towle,	

ABSENT

Campbell,	McCann
Cassell,	Mason,
Curtis,	Newsom,
Grenell,	Parker,
Hinman,	Mr President.
Ley,	

Mr TOWLE Mr President I move that all further proceedings under call of the house be dispensed with

Mr MYERS Mr President, I move that a fine of $50 be imposed upon every man who is absent without leave.

The President did not entertain the motion

The PRESIDENT The question is upon the motion of the gentleman from Richardson (Mr Towle)

The motion was agreed to.

The PRESIDENT The question now is upon the section proposed as an additional section by the gentleman from Saline (Mr Vifquain)

The secretary read the proposed section

Mr TOWLE Mr President, I move that we postpone the consideration of it until we get through with the article

The motion was agreed to

The secretary read the next section as follows

Sec. 4. All existing courts which are not in this constitution specifically enumerated and concerning which no other provision is herein made, shall continue in existence, and exercise their present jurisdiction until otherwise provided by law

Section 4 was adopted.

The secretary read the next section, as follows:

Sec. 5. All persons now filling any office or appointment shall continue in the exercise of the duties thereof, according to their respective commissions, elections or appointments, unless by this constitution it is otherwise directed.

Section 5 was adopted.

The secretary read the next section:

Sec. 6. District attorneys now in office shall continue to hold and exercise the duties of their respective offices for their unexpired terms in the judicial districts herein created, in which they severally reside. In each of the remaining districts one such officer shall be elected at the first general election, and the officers so elected shall hold their respective offices for the time prescribed in this section for district attorneys now in office to continue in the same.

Mr. STEWART. Mr. President, I offer a substitute for this section.

The secretary read the substitute, as follows:

There shall be elected, in each judicial district, at the first election after the adoption of this constitution, a district prosecuting attorney, who shall hold his office for two years.

Mr. VIFQUAIN. I move that the section be stricken out.

Mr. HASCALL. Mr. President, we did not want to recognize in this constitution any officer which was not recognized by law. If you provide for these attorneys here, you make them constitutional officers. The sentiment of the people in a great many counties appears to be that as soon as the present term of office of these district attorneys runs out, they will have a prosecuting attorney for each county. We have prosecuting attorneys in three of the districts, and we propose to elect, at the first election under this constitution, two more for the new districts we have formed. No doubt our first legislature will make provision for the election of a county attorney for each county in the state. I know that many counties are now paying salaries to men whom they have appointed to look after their interests. Now, why go on and make district attorneys constitutional officers, or fix their term of office, in view of these facts?

Mr. TOWLE. Mr. President, I deny most emphatically that this is creating constitutional officers, when we thus provide for the election of district attorneys. We have provided in the constitution for the election of a new set of judges, and I say why not go a little farther, and make a clean thing of it. We are legislating out of office three district judges, why not serve the district attorney the same way?

I don't know how it is in other portions of the state. I don't know that we are decided in our portion of the state, but the people ask that there shall be a cleaning out of all the officers under the new constitution of the state. My amendment is that they shall hold office but one year. Now, sir, what will be the result? The legislature at its next annual meeting can provide that there shall be in each district [an] attorney elected.

Mr. STEWART. Mr. President, the only object I had in offering the substitute was that there seems to

be a disposition to have a new deal among the officers of the state, not that I think our district attorneys are not good men

Mr HASCALL. Mr. President, I will say that t has not been the desire of this convention to make an entirely new deal I am sorry the gentleman (Mr Towle) has put himself in that position before the people as to say that this would not make the district attorney a constitutional officer This schedule only makes provision for temporary purposes, that we shall so arrange with regard to the discharge of the various duties now imposed upon the present officers as to keep the government going until after the meeting of the next legislature

Mr LAKE. Mr. President, personally, I am in favor of the section as it came from the hands of the committee I favor it for the reason that, so far as I know, the gentlemen who now hold the offices of district attorney in the three districts have I believe, performed the duties of their office to the perfect satisfaction of the people. This is not a constitutional office, and is mentioned no place in the constitution, and it need not to have been mentioned here had it not been that we have increased the number of districts, and it was thought advisable to provide for the wants of the new districts and prescribe that these attorneys shall be located in the district where they now reside I don't see what is to be gained by the substitute

Mr. TOWLE. Why do you propose to legislate the secretary of state and other state officers out of office?

Mr. LAKE I will answer your question They are state officers, the district attorneys are not. We do not legislate justices of the peace or county officials out of office, only those created by the constitution If you carry out the theory of the gentleman from Richardson (Mr Towle), that we may have a new deal all through, say we shall commence with all road supervisors and county officers That is not proposed by anyone and has not been demanded When it is said the people demand a new deal throughout the state, I think the statement is without foundation in fact The people have demanded no such thing They have demanded that a new constitution be formed, and that to the extent of the state officers there should be a new deal, but nothing beyond that to my knowledge If it is desired that they be legislated out to be used as candidates for some other office, it is easy for them to send in their resignation, but I think it is generally desired by the people that they be retained

Mr BALLARD Mr President if I imagined that by some Locus pocus sort of thing I could get my friend Gray out of the office of district attorney, and I could get in I should vote to strike it out; but, laying self aside, I do not think we want him out, therefore I shall sustain the report of the committee

Mr WEAVER I have seen no good reason, Mr President why these district attorneys should not go out with all other officers of the

state. The ground taken by the gentleman from Douglas (Mr. Lake) is not at all sound. The district judges are left out in the cold, and I see no good reason for favoring one or two district attorneys. I understand it was not the opinion of a majority of the committee that the report should come in in this shape, but they assented to accommodate the chairman. I trust this convention will give district attorneys no advantage or disadvantage, but put them on a level with all other officers.

The PRESIDENT. The question is on striking out section 6.

The ayes and nays were demanded.

Mr. ABBOTT. Mr. President, I ask to be excused from voting.

Leave not granted.

Mr. GRAY. Mr. President, I ask to be excused from voting.

Leave was granted.

The secretary called the roll, and the president announced the result, ayes 18, nays 22, as follows:

YEAS.

Boyd,	Reynolds,
Campbell,	Stevenson,
Eaton,	Stewart,
Griggs,	Speice,
Mason,	Thomas,
Manderson,	Tisdel,
Neligh,	Towle,
Newsom,	Vifquain,
Parchen,	Weaver.—18.

NAYS.

Abbott,	Kilburn,
Ballard,	Kirkpatrick,
Cassell,	Lake,
Estabrook,	Lyon,
Gibbs,	Majors,
Hascall,	Maxwell,
Kenaston,	Moore,
Myers,	Thummel,
Price,	Wakeley,
Sprague,	Wilson,
Shaff,	Woolworth.—22.

ABSENT OR NOT VOTING.

Curtis,	McCann,
Granger,	Parker,
Grenell,	Philpott,
Gray,	Robinson,
Hinman,	Scofield,
Ley,	Mr. President.—12

So the motion was not agreed to.

The secretary read the next section, as follows:

Sec. 7. This constitution shall be submitted to the people of the state of Nebraska for adoption or rejection at an election to be held on the third Tuesday in September, A. D. 1871; and there shall be separately submitted, at the same time, for adoption or rejection, the independent section relating to the liability of stockholders in banking corporations, companies and associations; the independent article prohibiting state, county and municipal indebtedness; the section relating to compulsory education and reformatory schools; and the section relating to inhibition and license.

At said election the qualified electors shall vote at the usual places of voting; and the said election shall be conducted and the returns thereof made according to the laws now in force, regulating general elections, except as herein otherwise provided.

The PRESIDENT. As I have to attend to the engrossment of the constitution, will the gentleman from Douglas (Mr. Boyd) take the chair.

Mr. MOORE. Mr. President, I move to amend by making the election on Saturday, the 23d September.

[Friday] HASCALL NEWSOM WILSON MOORE WEAVER—BALLARD—TOWLE ABBOTT GRIGGS PHILPOTT [August 18

Mr. HASCALL Mr. President, I hope this motion will not prevail The way the schedule is arranged it gives just time enough to get the votes canvassed and the proclamation prior to the tenth day of October, which is the day of the election of county officers, and by having the election on Saturday this must take place under the old constitution That being the case it will disarrange the plan of submission and require a general overhauling of the whole thing If it should be changed at all, it should be to some earlier day As it is fixed now, there is one full month prior to the election and after the adjournment of this convention

Mr NEWSOM Mr President, I believe the state will vote down the constitution for want of not [?] knowing what it is It is better to give all the time possible, that the people may thoroughly understand the constitution

Mr. WILSON. Saturday is the best because men can attend I hope the motion of the gentleman from York (Mr Moore) will prevail

Mr MOORE I only had [in view] what I supposed would be the advantage to the people when I made the motion I know that in the country men feel more disposed to leave their work on Saturday than any other day In towns they can vote on any day

Mr HASCALL Is the gentleman sincere? Why not put it on the Saturday preceding

Mr MOORE I have no objection

Mr WEAVER In our county we have a great number of seven-day Baptists who hold Saturday as a Sabbath who will not vote on that day.

Mr BALLARD I am in the same fix as the last gentleman. I would rather [not?] have the election on Saturday

Mr TOWLE The committee unanimously agreed that it should be submitted as soon as the 19th, because it gives scarcely time to have the vote canvassed unless we have [it] as early as Thursday If we do not, the election under the old constitution will be right on our heels

Mr. NEWSOM. Mr. Hascall told me the programme I had mentioned should be determined in caucus I want an explanation. There have been none but republican caucuses (Laughter)

Mr HASCALL I will explain This is put in by way of a set-off and recoupment. I will explain when the case comes up regularly

The motion to change the day was not agreed to.

Mr ABBOTT I move to strike out in section 7 the words "and the section relating to inhibition and license"

Mr BALLARD I do not know that it is in order to make that motion If it is I certainly shall object I hope the convention will not stultify itself on this question. I am opposed to the amendment and shall vote against it on principle

Mr GRIGGS I hope we will not open up this question We have already agreed to submit a separate proposition upon this subject

Mr PHILPOTT All there is about it is a matter we have agreed to submit this article Men have been electioneering this morning upon this floor

against it. I call upon gentlemen once more to stand by what is right. I say there are as many people in this state on the side of temperance as there are opposed to it, and they have a right to be heard. It will be unjust to them if this proposition should not go to them without being cut up in the manner proposed. The whisky men have been here this morning and are ready to bow before us. Let us go to work and submit it.

Mr. STEVENSON. I do not think it is the intention of anybody in the convention to take advantage of those in favor of this section. We have a perfect right to amend if we want, when it comes up, the same as any other in the constitution. I do not see why the gentleman should get to "walking so on his ear" around here. A majority have the right to strike out if they choose.

Mr. HASCALL. I claim that at no time has a majority of this convention expressed itself in favor of this proposition. It is true that upon yesterday a majority of the quorum so expressed itself.

Mr. STRICKLAND. The chairman of the revision committee and myself desire to leave the room to see after the engrossing clerks, and [we] would like to be sent for when the vote is called.

Mr. MASON. No, sir. If you want to vote be here. If you are in for war, hang your banners on the outer wall.

Mr. HASCALL. It was carried merely be [by] the sound of the voice, and the sound was doubtful. (Laughter.) There were several about who desired to vote upon it. I know two, particularly, who were anxious to vote and who were only a few steps from the hall. Now it comes up in the schedule. If a majority want this stricken out they have the right to do it. It is not cowardly.

I am opposed to the agitation of these matters which have nothing to do with the constitution. The people have full control of this whole matter through the legislature, and if they want prohibitory laws they will send men to the legislature who will pass them: if they are opposed to prohibitory laws, they will keep such men at home. I am opposed to local legislation—that one rule shall obtain in one county and another rule in another county. I don't believe in passing laws which provide that the people of Otoe county may be placed upon cold water and gruel, while those in Sarpy county may revel in whisky and gin cocktails. (Laughter.) We say by our constitution that the laws shall be uniform throughout the state, and if we have a rule which applies in one county, let it apply to all others. One fault of our constitution, now, is that we have attempted to legislate too much. This matter of license or no license is not a subject for constitutional provision. Those subjects go into the constitution which the constitution necessarily has to treat of, such as suffrage, for instance. We have to show by the constitution what class of people are entitled to the rights of suffrage; but such questions as the one under consideration do not necessarily go into the constitution.

Therefore, Mr. President, I move the previous question.

Mr MASON. I rise to a point of order. I consider it entirely out of order for a gentleman to make a speech, and then move the previous question before he takes his seat. And now all I have to say, after such proceedings as this, is that those who favor minority representation can have it, if they will vote for this proposition.

Mr. MANDERSON. All right, sir, we want a square trade (Laughter.)

The PRESIDENT pro tempore The question is upon the motion to strike out the section relating to "license" or "no license"

The ayes and nays being demanded, the secretary proceeded to call the roll.

Mr EATON, when his name was called. Mr President, this offer of trade was made once before and by the same person It was at the table at the Tichenor House Myself and two other gentlemen were approached with an offer of "trade" I vote for this proposition upon principle. If this temperance movement is right, I believe in supporting it If I do not, I will not support it I am not influenced by any desire to "trade," I vote aye

Mr MANDERSON, when his name was called Mr President, I wish to explain my vote If by trading a halter off, I can get a horse I am willing to trade, but the subject of woman suffrage is a question which is as dear to me as that of minority representation I would like to inquire if we could not secure both by voting for this proposition? (Laughter) But I don't like to vote on this question for fear the gentleman will go back on me. (Laughter.) I vote aye, for the reason that this section does not bind the legislature any more than so much blank paper

Mr MAJORS, when his name was called. I can tell the gentleman that he cannot count on my vote for his "trade." I vote no

Mr. TOWLE, when his name was called Mr. President, with the distinct understanding that these gentlemen will give us minority representation, I vote aye "No! No! No trade!"

Mr TOWLE Then I vote no.

Mr WILSON, when his name was called. I desire to say, Mr. President, that I am not on the trade. I vote aye

Mr WOOLWORTH, when his name was called Mr President, I desire to say that I have not had my "cocktail" this morning yet. (Laughter) I wish to say that if I thought this provision was of any practical effect in putting down the liquor traffic, I would vote to submit this proposition to the people. Believing it would not have that effect, but quite the opposite, I vote aye

The President announced the result, yeas 22, nays 24, as follows:

YEAS

Abbott,	Scofield,
Boyd,	Speice,
Eaton,	Stevenson,
Granger,	Thummel,
Gray,	Thomas,
Hascall,	Vifquain,
Lake,	Wakeley,
Manderson,	Weaver,
Myers,	Wilson,
Parchen,	Woolworth,
Robinson,	Mr. President.—22

NAYS

Ballard,	Maxwell,
Campbell,	Moore,
Cassell,	Neligh,
Estabrook,	Newsom,
Gibbs,	Philpott,
Griggs,	Price,
Kenaston,	Reynolds,
Kilburn,	Shaff,
Kirkpatrick,	Sprague,
Lyon,	Stewart,
Majors,	Tisdel,
Mason,	Towle.—24.

ABSENT OR NOT VOTING.

Curtis,	Ley,
Grenell,	Parker,
Hinman,	McCann.—6.

So the motion to strike out the section was not agreed to.

Mr. TOWLE. Mr. President, I move the adoption of the section.

The motion was agreed to and the section was adopted.

The secretary read the next section as follows:

Sec. 8. The secretary of state shall, at least ten days before said election, cause to be delivered to the county clerk of each county, blank poll books, tally lists, and forms of returns, and twice the number of properly prepared printed ballots for the said election that there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the secretary is by law required to be audited and paid; and the several county clerks shall, at least five days before said election, cause to be distributed to the judges of election in each election precinct in their respective counties said blank poll books, tally lists, forms of return and tickets.

Section 8 was adopted.

The secretary read the next section as follows:

Sec. 9. At the said election the ballots shall be in the following form:

New Constitutional Ticket

For all the propositions on ticket which are not cancelled v ink or pencil and against all pr sitions which are so cancelled.

For the New Constitution

"For the independent section lating to the liability of stockh ers in banking corporations, c panies and associations." "For independent article prohibiting st county and municipal indebtedne "For the section relating to c pulsory education and reformat schools." "For the section relat to inhibition and license." Each said tickets shall be counted a vote cast for each proposition th on not cancelled with ink or pen and against each proposition so c celled; and returns thereof shall made accordingly by the judges election.

Section 9 was adopted.

The secretary read the next s t on as follows:

Sec. 10. The returns of the wh vote cast, and of the votes for t adoption or rejection of this cons tution, and for or against the artic and sections respectively submitte shall be made by the several coun clerks to the secretary of stat within fourteen days after the ele tion; and the returns of the sa votes shall, within three days ther after, be examined and canvassed b the president of this convention, t secretary of state, and the audito or any two of them; and proclamatic shall be made forthwith, by the pre ident of this convention, or the se retary of state, of the result of th canvass.

Section 10 was adopted.

The secretary read the next se tion as follows:

Sec. 11. If it shall appear that majority of the votes polled are "fo

the new constitution,' then so much of this constitution as was not separately submitted to be voted on by articles and sections shall be the supreme law of the state of Nebraska on and after the eighth day of October A D. 1871, except as otherwise provided herein but if it shall appear that a majority of the votes polled were against the new constitution,' the whole thereof, including the articles and sections separately submitted shall be null and void If the votes for the new constitution shall adopt the same, and it shall appear that a majority of the votes polled are for the independent section relating to the liability of stockholders in banking corporations companies and associations" said section shall be a part of the constitution of this state and shall be substituted for section two in the article entitled 'Banks and Currency,' otherwise such independent section shall be null and void

If the votes "for the new constitution,' shall adopt the same and it shall appear that a majority of the votes polled are 'for the independent article prohibiting state county and municipal indebtedness' said article shall be a part of the constitution of this state and shall be substituted for article number entitled State County and Municipal Indebtedness' otherwise such independent article shall be null and void

If the votes "for the new constitution shall adopt the same and it shall appear that a majority of the votes polled are 'for the section relating to compulsory education and reformatory schools' said section shall be a part of the constitution of this state and stand as section number of article number entitled otherwise such section shall be null and void

If the votes "for the new constitution shall adopt the same, and it shall appear that a majority of the votes polled are for the section relating to 'prohibition and license,' said section shall be a part of the constitution of this state and stand as section number of article number entitled otherwise such section shall be null and void

Section 11 was adopted

The secretary read the next section as follows

Sec 12 The general election of this state shall be held on the Tuesday succeeding the first Monday of November of each year All state, district, county, precinct, and township officers by the constitution or laws made elective by the people except school district officers and municipal officers in cities villages and towns shall be elected at a general election to be held as aforesaid Judges of the supreme, district and county courts, all elective county and precinct officers, and all other elective officers, the time for the election of whom is not herein otherwise provided for and that are not included in the above exception, shall be elected at the first general election after the adoption of this constitution, and thereafter at the general election next preceding the time of the termination of their respective terms of office

Provided That at the first election of the judges of the supreme court, herein provided for, no elector shall vote for more than two candidates for such office and the three persons having the highest number of votes shall be declared elected

Mr. GRIGGS. Mr. President, I move to strike out the provision

Mr GRAY I demand a call of the house

The secretary called the roll, present 47 absent without leave, Mr Woolworth

The sergeant at arms was sent after Mr. Woolworth.

Mr. MAXWELL. Mr. President, I move that further proceedings on the call be dispensed with

The convention divided, and the motion was agreed to.

Mr. MANDERSON. Mr. President, I hope this motion to strike out will not prevail. This is no new idea, and what men demand is that the supreme court should be made up of men of wisdom. Under this arrangement, two shall be of the majority party and one of the minority. It is just enough of the principle of minority representation not to be objectionable.

Mr. TOWLE. Mr. President, I move the previous question.

The PRESIDENT. The question is, "shall the main question be now put?"

The motion was agreed to.

The PRESIDENT. The main question is on the motion of the gentleman from Gage (Mr. Griggs) to strike out the proviso to section twelve.

Mr. GRAY. Mr. President, I arise for the purpose of explaining my vote, as there have been allusions made here in reference to trades upon this subject. Now, sir, I wish it distinctly understood that I am not on the trade, but that I vote upon all subjects with reference to their particular merits or demerits. I voted upon the inhibition clause to retain it in the constitution because I believe it right, and not for the purpose of influencing any member's vote upon this measure; and if other members have consciences that will allow them to vote for that which they believe to be wrong for the sake of getting them to vote for other propositions they believe to be right, why, then, sir, all I wish to say in reference to this matter is, they have consciences that are more pliable than mine and whose consciences I do not envy. And I further wish gentlemen to assume the responsibilities of their own acts; but, sir, I cannot allow gentlemen to get up in their seats and propose trades of this kind without expressing my supreme contempt for the same.

Mr. KIRKPATRICK. Mr. President, I shall vote in favor of striking out this provision for the reason that it disfranchises the voters of Nebraska. It says I shall not vote for three.

Mr. HASCALL. Mr. President, I should not have deemed it my duty to explain my vote but for the remark of the gentleman from Cass (Mr. Kirkpatrick). I expect to vote against striking this out. By doing so I do not expect to disfranchise any one. The reason why I vote for retaining it is that the supreme court may not be of a partisan character, not that I wish to put politicians of different parties upon the bench of the supreme court, but merely that it shall be divested of any party character whatever.

Mr. LAKE. Mr. President, I believe the principle upon which our government is based is that the majority should govern, and that in the election of state officers each individual voter should have the right to vote for all the officers, and that the voice of the majority shall govern in that regard: therefore I shall vote in favor of striking out the provision.

Mr. MASON. Mr. President, I rise to say I have steadily voted for

the proposition of minority representation, notwithstanding those with whom I associate and in whose principles I believe, a large majority of them, take the opposite view of this question. I consider this to be a saving clause for many of the evils that are now complained of in the body politic and infesting society. I take pleasure in casting my vote against the proposition to strike out

Mr TOWLE. Mr President, I believe that this is right upon principle and believe if it is not in the constitution it will be defeated. I shall vote against striking out

The ayes and nays were demanded

The secretary called the roll, and the president announced the result, yeas 19 nays 26, as follows:

YEAS

Gibbs,	Myers,
Granger,	Neligh,
Gray,	Parchen,
Griggs,	Price,
Kenaston,	Sprague
Kirkpatrick,	Reynolds,
Lake	Thummel,
Lyon,	Weaver
Maxwell,	Mr President. 19
Moore,	

NAYS

Abbott,	Philpott,
Ballard,	Robinson,
Boyd,	Stevenson,
Campbell,	Stewart,
Cassell,	Scofield,
Eaton,	Speice,
Estabrook,	Shaff,
Hascall,	Thomas,
Kilburn,	Tisdel,
Majors,	Towle,
Mason,	Vifquain,
Manderson,	Wakeley,
Newson,	Wilson 26

ABSENT OR NOT VOTING

Curtis,	McCann,
Grenell,	Parker,
Hinman,	Woolworth 7
Ley,	

The PRESIDENT. The question is on the adoption of the section.

The twelfth section was adopted.

The secretary read the next section, as follows:

Sec 13. The terms of office of all state and county officers, of judges of the supreme, district and county courts, members of the legislature, and regents of the university, shall begin on the first day of January next succeeding their election.

The thirteenth section was adopted.

The secretary read the next section, as follows

Sec —. The present state and county officers, members of the legislature, and regents of the university shall continue in office until the officers to be elected at the first general election under this constitution shall qualify and be ready to enter upon the discharge of the duties of their respective offices

The section was adopted.

The secretary read the next section, as follows

Sec The supreme court, the district courts, and the county courts, established by this constitution, shall be the successors respectively of the supreme court, the district courts and the probate courts having jurisdiction under the existing constitution

The section was adopted

The secretary read the next section, as follows:

Sec The supreme court and the district and the probate courts now in existence shall continue and the judges thereof shall exercise their powers and retain their present jurisdiction until the courts provided for by this constitution shall be organized and capable of transacting business

The section was adopted.

The secretary read the next section, as follows:

Sec.—. All cases, matters and proceedings, pending undetermined in the supreme court, are hereby transferred to the supreme court herein provided for, and shall be heard and determined therein, and all cases, matters and proceedings pending undetermined in the district courts for the respective counties, are hereby transferred to the district courts for the same counties herein provided for, and shall be heard and determined therein, and all cases, matters and proceedings pending undetermined in the probate courts of the respective counties, are hereby transferred to the county courts of the same counties, and shall be heard and determined therein.

And all records and proceedings in any court shall be transmitted to its successor and all orders, judgments or decrees of any court, shall remain unimpaired by the adoption of this constitution, and shall be enforced by and in the court which is the successor of that by which they were made, rendered or entered.

The section was adopted.

The secretary read the next section, as follows:

Sec.—In case this constitution be adopted, the existing constitution shall cease in all its provisions.

The section was adopted.

The secretary read the next section, as follows:

Sec.——. The provisions of this constitution, required to be executed prior to the adoption or rejection thereof, shall take effect and be in force immediately.

The section was adopted.

The secretary read the next section, as follows:

Sec.— . The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

The section was adopted.

The secretary read the next section, as follows:

Sec.—. On the taking effect of this constitution, all state officers thereby continued in office shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this constitution.

The section was adopted.

The secretary read the next section, as follows:

Sec.—. This constitution shall be enrolled and deposited in the office of the secretary of state, and printed copies thereof shall be prefixed to the books containing the laws of this state, in all future editions thereof.

The section was adopted.

The secretary read the next section, as follows:

Sec.—. The legislature shall provide by general law for submitting to the electors of counties, cities or towns in the state, the question of "inhibition" or "license" for the sale of intoxicating liquors, and shall prescribe the manner of carrying into effect the will of the people so expressed.

The PRESIDENT pro tempore. The question is upon the adoption of the section.

Mr. ABBOTT. Mr. President, I like the article well enough; but as it is here, I don't think it will be a separate article.

Mr. HASCALL. The schedule we have adopted shows this to be a separate article. I move that the rules be suspended and that the report, so far as read, be adopted.

Mr. ABBOTT, to Mr. Hascall. Why not put in before this proposition, "to be submitted as a separate article," as you did before the article on education?

Mr. HASCALL I will explain that by saying that if there are two sections upon the same subject they are designated by saying that one is to be submitted separately just before the section This is the reason we had for so stating with regard to the educational article there being two sections in that article on the same subject, only one of which was to go in the constitution. But where there is but one section there is no need of saying 'independent section ' If you will look at the previous section you will see that this section is referred to, and that it is to be submitted separately This is the only section upon this subject, and we say in the report that the section relating to this subject is to be submitted as a separate article If these independent sections are adopted by the people, then they take a certain position in the body of the constitution

Mr ABBOTT Mr President, I want all these propositions to be designated so that there will be no difficulty about knowing what they are for and how they are to be voted upon

Mr HASCALL We can put a heading to these articles which will make the matter plain enough I see the printer has called all of these articles sections This mistake can be rectified by the committee on revision and adjustment

The PRESIDENT pro tempore The question is upon the adoption of the section

The section was adopted

The secretary read the next section as follows

Section of educational article to be submitted as a separate proposition

Education

Section 1. The legislature may require by law that every child of sufficient mental and physical ability between the ages of eight and sixteen years, unless educated by other means, shall, in all cases when practicable, attend a public school supported by the common school fund, for some definite length of time each year to be fixed by law, and may establish a school or schools for the safe keeping, education, employment and reformation of all children under the age of sixteen, who are destitute of proper parental care, or who are growing up in mendicancy ignorance idleness, or vice, which school shall constitute a part of the system of common schools.

The PRESIDENT pro tempore The question is upon the adoption of the section.

Mr ABBOTT Mr President Judge Wakeley made an amendment to that section by inserting after the word sixteen, the words "who for want of proper parental care or otherwise " I move to strike out the words who are destitute of proper parental care," and insert the amendment of Mr Wakeley

The PRESIDENT pro tempore The question is upon the motion of the gentleman from Hall (Mr Abbott).

Mr ABBOTT I did not wish to make a motion. I simply wished to call attention to what I considered an omission.

Mr WAKELEY Mr President I think that the committee on revision and adjustment will fix that matter all right

Mr. ESTABROOK. Mr. President, I am willing that the amendment should be put in, by unanimous consent. Unanimous consent was given, and the section so amended.

The PRESIDENT pro tempore. The question is upon the adoption of the section.

The section was adopted.

The secretary read the next section, as follows:

Sec.—. Municipal subscriptions or donations to railroads or private corporations. [Evidently this should have been in the form of article—Ed.].

Sec.—.No county, city, town, township or other municipality shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to, or loan its credit in aid of such corporation: Provided, however, that the adoption of this article shall not be construed as affecting the right of any such municipality to make such donation where the same has been authorized under existing laws by a vote of the people of such municipalities prior to such adoption.

The PRESIDENT pro tempore. The question is on the adoption of the section.

Section 1 was adopted.

The secretary read the next section, as follows:

Sec. 2. Each stockholder in a banking corporation, company, or association, shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to twice the entire amount of his or her respective stock or shares so held, for all its liabilities accruing while he or she remains such stockholder.

Section two was adopted.

Mr. ESTABROOK. Mr. President, having passed through the article, I have an amendment.

The secretary read the amendment, as follows:

To amend article — by inserting:

The extension of the right of suffrage.

Sec.—. The leislature may extend by law, the right of suffrage to persons not herein enumerated: but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election and approved by a majority of all the votes cast on that question at such election.

Amend section 11 by inserting:

"If the votes for the new constitution shall adopt the same, and it shall appear that a majority of the votes polled are for the section relating to the extension of the right of suffrage," said section shall be a part of the constitution of this state and stand as section number—, of article number—, entitled————: otherwise such section shall be null and void.

Amend section 9 by inserting: "For the section relating to the extension of the rights of suffrage."

Amend section 7 by inserting:

"The section relating to the extension of the right of suffrage."

Also give a copy of section to be inserted in the schedule.

The PRESIDENT pro tempore. Gentlemen, the question is on the adoption of the amendments just read. The ayes and nays are demanded. Secretary, call the roll.

The vote was taken, and the result announced, ayes 23, nays 18, as follows:

AYES

Campbell,	Manderson,
Cassell,	Maxwell,
Estabrook,	Neligh,
Gibbs,	Philpott,
Hascall,	Price,
Kenaston,	Robinson,
Kilburn,	Stewart,
Kirkpatrick,	Speice,
Lake,	Shaff,
Lyon,	Thomas,
Majors,	Wakeley. 23
Mason,	

NAYS

Abbott,	Stevenson,
Boyd,	Sprague,
Granger,	Thummel,
Gray,	Tisdel,
Griggs,	Towle,
Myers,	Vifquain,
Newsom,	Weaver,
Parchen,	Wilson,
Reynolds,	Woolworth 18

ABSENT OR NOT VOTING

Ballard,	Moore,
Curtis,	Parker,
Grenell,	Scofield,
Hinman,	Wilson,
Ley,	Mr President 11
McCann,	

So the amendments were agreed to.

Mr HASCALL I move the article be engrossed for a third reading.

Mr WAKELEY I move that the rules be suspended and the article put upon its passage.

Mr HASCALL I will accept that amendment.

The motion was agreed to.

The article was read a third time by its title.

The PRESIDENT pro tempore The question is on the adoption of the article. Secretary, call the roll.

Mr. WOOLWORTH, when his name was called. Mr President, I wish to be excused from voting. I have been absent with the committee on revision, and do not know what has been going on.

Leave was granted.

The president announced the result, yeas 30, nays 13, as follows:

AYES

Ballard,	Manderson,
Boyd,	Maxwell,
Campbell,	Neligh,
Cassell,	Newsom,
Estabrook,	Philpott,
Gibbs,	Price,
Gray,	Robinson,
Hascall,	Stewart,
Kenaston,	Speice,
Kilburn,	Shaff,
Kirkpatrick,	Thomas,
Lake	Tisdel,
Lyon	Towle
Majors,	Wakeley,
Mason,	Mr President 30

NAYS

Abbott,	Reynolds,
Eaton,	Sprague
Granger	Stevenson,
Griggs	Thummel,
Moore	Vifquain
Myers,	Weaver 13
Parchen,	

ABSENT OR NOT VOTING

Curtis,	Parker
Grenell,	Scofield,
Hinman,	Wilson,
Ley	Woolworth 9
McCann,	

Mr. TOWLE. Mr. President, I move the vote by which the report of the schedule committee was adopted be reconsidered.

Mr ROBINSON Mr President I move to lay that motion on the table.

Mr MASON Mr President I hope the motion to lay on the table

can be left with the delegation who reside here. They are men of responsibility, and I feel they can safely be trusted with this revision.

Mr. LAKE. Mr. President, I trust the motion of my colleague will prevail. I am satisfied that no gentleman upon this floor desires his remarks to be published without a chance to revise them. It is well known that in debate a speaker frequently uses a word which fails to convey his meaning. He thinks of it afterwards, but will not go back and correct his mistake. The audience, in such cases, are generally able to determine for themselves the word which was intended. Very frequently the speaker thinks he used the propper word, and, if his remarks are taken down verbatim, he will be of the opinion, when he reads his speech, that he used words entirely different from the words he did use. Now I suppose that these reports will be published at some future time, and every member of this convention ought to have an opportunity to correct and revise his remarks. I don't believe any gentleman upon this floor has talked to so little purpose as to wish to change the spirit of his speeches. Now, sir, if so short a time as that in the proposed substitute is given, it will deprive a great many gentlemen upon this floor [of] an opportunity to make corrections. The chief justice has said that his time was so taken up that he cannot attend to it now. I hope that the resolution may be adopted.

The PRESIDENT. The question is upon the substitute offered by the gentleman from Pawnee (Mr. Stewart.)

Mr. KIRKPATRICK. Mr. President, I presume it is the intention to have these reports corrected so that they will read just as they were spoken. I say that the gentlemen should have the right to look over these reports. Now I undertake to say that no matter how competent these reporters may be, it is utterly impossible for them to understand at all times the remarks which were made. It has been quite often that the presiding officer could not hear what was said. It is customary to have debates and proceedings of this character revised. The debates of the Illinois convention were revised five different times, I am told. I know that in congress speeches are revised even after they have been printed in the Globe. It is the custom in bodies of this character. I know there are some gentlemen here who say, "Well, we did not make speeches in which we abused people, and we will hold those who did to what they said. I made no speeches of this character. I threw no stones at the executive officers or former legislatures. I am willing to go before the people credited with the words I spoke.

Mr. STRICKLAND. Mr. President, let us do as it is the custom to do with similar reports. In Washington city they have an organ which publishes the speeches made in congress. It is the custom there to revise speeches, as it is in every deliberative body in the land. Now it is true that when the reporters have been listening with all possible at-

tention to what was said, speakers have been broken right off in the middle of a sentence, and it would be impossible for them to make the connection. I am satisfied it will save a large expense in printing to allow this revision, because, when gentlemen look over their remarks they will see that they said a great deal which has really no meaning. I know that in many instances gentlemen have engaged in conversation, and have talked so loud that it was impossible for the reporters to hear the words of the speakers. As I said before, it is customary for such reports to be revised, and I say, let us follow the custom

Mr. HASCALL. Mr. President, I hope that this resolution, or a similar one, will be adopted. Before this resolution was introduced, I was considering what course should be adopted. We have incurred considerable expense in getting this report, because we thought it would pay to go to this expense. I am satisfied it is not in proper shape to be put in a volume to go all over the state, and also to other states, for the different states exchange these reports. As we have incurred that expense, and as it is customary that reports should be revised, I think we should adopt that course. The proposition offered is, perhaps, the very best which we could adopt. I think it would pay to pay these gentlemen who have charge of the revision of the report, rather than not have it done, even though it should cost a thousand dollars. I think the plan hit upon is right and proper, but that we should have up to the time of the meeting of the next legislature to look over, and revise the speeches we have made here during the sitting of this convention. After we have revised the report, it will be in proper form to go before the country.

Mr. CAMPBELL. I think, for the benefit of the state, we ought to adopt this resolution and not the substitute. If these reports are published as these reporters have been compelled to take them down, Harper's Drawer will have food for the next ten years to come.

Mr. EATON. Mr. President, I am opposed to this entirely. I propose to hold those who have done the talking here to the record. If a member is allowed to revise his speech he may strike out a part of it, and another who answered him may not strike out what he said, and it would put the honest member in a bad light.

Mr. WEAVER. I would indorse this were I perfectly satisfied if nothing but grammatical errors were to be corrected, but I am opposed to it if gentlemen wish to write out speeches that never was [sic] made here.

Mr. WILSON. I think that what men utter on this floor ought to go on the record. Let these gentlemen go upon the record, and as my friend from York (Mr. Moore) said let it be put to them as they said it. I am not ashamed, and I am the most ignorant man in the convention. I am not ashamed to show my ignorance on that record, and these learned gentlemen ought not to be ashamed of their speeches. Let the

record be as the reporters have taken it; let every man stand for himself.

Mr. MASON. Mr. President, if I am the gentleman who is alluded to, I stand up to say in this convention and this state that I am bound by every idea which has fallen from my lips. And, sir, it is not for myself I speak. Publish my speeches as they are, and they shall speak for themselves, and I will put my finger to my lips and point in silence to the record. Aye, sir, if I have uttered one word it has been in vindication of fundamental principles, and, I trust, for the credit of the state today, I stand here, not to plead for or against any man; but to plead for the glory of the state that we have in keeping. No narrow, contracted views, such as are in the minds of some gentlemen, animate my bosom; and may God wither it in His wisdom if it did. If the small-brained gentlemen who take delight in writing ridiculous sentences for their neighbors' doors gather delight therefrom, let them glory in it as the poisonous reptile glories in the sting he gives to the innocent child. Let him gather in his vindictive wrath the sweet solution of vile vituperation until it shall die in the poison he has invoked. Nay, sir, it is not for myself I speak, it is only, sir, to hand down to posterity a record that shall preserve the dignity, the fame, the glory of this state; and if I have been interested in any one thing in my public life more than [an] other, it has been this. So I say to you, once again, vote this down if you want to. If you think I am interested in it, and it is to your glory to thrust, vote it down, and you wound me not at all. There is a remedy left to me that is over and above any dictation you may write on the journals, the remedy of the law that hands over to me my property to correct and revise; and every [no] lawyer upon this floor but that knows it, and this resolution proposes simply to give the right that a bill in chancery would give to every gentleman upon this floor; that is all. It came not from me, neither from my counsels, as the gentleman from Douglas will tell you. I held no consultation with him, but from a man whose justice and wisdom I have ever found pleasure and delight in admiring; and I am surprised that at the close, as the hour of death closes over this convention, that again, from every corner of this hall, comes up this assault. Why is this? What invoked it? The resolution was not mine. It came not from me. My voice will forever be be heard in vindication of principles which I think redound to the glory and credit of the commonwealth, in defiance of all these machinations, whether inspired by principle, or by hatred or malice. Now, sir, once again, I say Judge Wakeley's resolution simply carries into practical effect just exactly what yonder jurist, sitting in his seat, will tell you a bill in chancery would accomplish, handing over to the individual the report of his remarks for correction; and, sir, to avoid these numerous applications to the tribunal of justice, I would pass this resolution. It originated not

with me, it was suggested not by me, I knew not of it till the gentleman from Douglas offered it

Mr HASCALL Mr President, as the gentleman from Johnson (Mr Wilson) has lifted the hair of the gentleman from Otoe (Mr Mason), and as the gentleman from Otoe has now lifted the hair of the gentleman from Johnson, and as neither had any hair to lift, I hope the scalping knife will now be put in its sheath

Mr BALLARD Mr President

Mr ROBINSON Mr President, I will say, in justice to some gentlemen here, I will say I, myself, suggested this very resolution I did not do it because I had any personal interest in the matter I thought we were here, near the end of the session, and in a fair situation to afford any gentleman the opportunity the resolution seeks to give, and I am confident that if the debates are published as they are written, no gentleman in this convention will ever want to see that book, and will not want his neighbors or friends to see it It is not because the reporters have not done their duty I think they have done it very faithfully Gentlemen here in debate have used language which failed to express their exact meaning If they had conveyed their meaning at the time it would not have been necessary. I do not believe, Mr. President, any man desires to change the substance of what he has said In fact it cannot be done The journal shows how every member voted and the position he took on all questions where the ayes and nays were called, and it is impossible he could go back on that record and not put himself in the light he was Farther than that, every man, in speaking for myself – every man in this convention who has spoken is more than anxious that the sentiment he spoke should be published as he intended In other words, he is proud of the position which he has taken. There is no danger of men changing the substance of what they have spoken

Mr ESTABROOK Mr President, I do not know how the resolution reads, but it strikes me that all the evils resulting from this resolution may be corrected by providing that the original shall be retained and go to the legislature for its action along with the corrected speeches, and they may do what they please with it I believe that the speeches are as important a part of this convention as anything else we have done I do not agree with the gentleman from Otoe (Mr Mason) that his speeches are his property, to be surrendered to him by mandamus or otherwise. They are my property as much as his By them we are to interpret whatever hidden meaning or mystery there may be in his acts, and it is mine to interpret by as much as his I do not propose any man shall be compelled to publish his crude ideas, to be compelled to let them go in that form, but I do not propose to allow them to make such corrections as shall be fundamental

Mr MAXWELL Mr President I trust the resolution offered by Judge Wakeley will be adopted Now, if the reports taken down by the reporters are correct, there might be some reason for opposing this but it is sub-

as they please. I concur with the gentleman from Cass (Mr. Maxwell) that they have the power to do this without any provision in the constitution, and I simply wish it so that those matters alluded to by General Estabrook might receive the attention of the legislature. Therefore I hope the motion to lay on the table will not prevail.

Mr. KIRKPATRICK. Cannot the gentleman accomplish his object in a more simple way? Why not refer this resolution to the next legislature?

Mr. MASON. I move that the resolution, with the remarks submitted in the report of General Estabrook in respect to this matter, be referred to the special consideration of the first legislature meeting under this constitution.

Mr. ESTABROOK. It would suit me better to put it with the portion of the proposition to be submitted. It will not cost any more to submit a dozen. Mr. President, it would suit me better to submit this matter with the others which are to be submitted separately. I presume when an investigation is instituted it will be found that there are buildings in this neighborhood owned and occupied by individuals who, perhaps, are indebted to the state, and who may be unable to make payment of such indebtedness. If this be true, that there are moneys due this state which will not be paid unless we do take property of this kind, I submit to the gentlemen here whether it will not be wise to take what we can get, provided we can make good use of the property so obtained. We give our governor $3,000 a year under our new constitution, and compel him to live at the capital. He is expected to entertain company as they come, and it is expected that the manner in which he lives will be taken as an index, to some extent, of the prosperity of the people of the state. Now the building referred to is not the only building here which I can point out as the property of the state, as a matter of law. If these doubtful claims can be settled, and we secure at the same time a mansion for the governor of our state, so that visitors who come may find him in comfortable quarters, I think it will be well to do so; but I would rather have this matter go in the form of a separate provision.

The PRESIDENT. The question is upon the reference of the whole subject matter to the next legislature.

The convention divided, and the motion was agreed to.

RESOLUTIONS.

Members of the Convention Ineligible to Office.

Mr. VIFQUAIN. Mr. President, I wish to offer a resolution. The secretary read the resolution as follows:

Resolved, That no member of this convention shall be eligible to any office in this state within one [year?] from the time of adoption of this constitution.

The PRESIDENT. It will be referred to the committee on schedule, no objection being made.

Official Reporters—Extra Pay.

Mr PHILPOTT. Mr. President, I wish to offer a resolution

The secretary read the resolution, as follows

Resolved, That the president of this convention be and is hereby authorized to certify to five days extra work for the reporters of this convention for services rendered during the night session of the convention

The resolution was adopted.

Unpaid Bills.

Mr BOYD Mr President, I have a resolution I wish to read

The secretary read the resolution, as follows

Resolved, That all unpaid accounts of this convention be laid before the secretary of state

The resolution was adopted

Printing and Binding.

The PRESIDENT Gentlemen, what will you do with this report of the committee on printing and binding?

The secretary read the report, as follows

Mr President, your committee on printing and binding to whom was referred the resolution relating to the printing and distribution of the constitution, most respectfully report the following for the consideration of the convention

J C CAMPBELL,
Chairman.

Resolved, That the secretary of state be directed to have printed, forthwith in pamphlet form 15,000 copies of the address and constitution in the English language, and 5,000 copies of the same in the German language, and that they be expressed in equal numbers at the public expense to the members of this convention

Resolved, That the secretary of state be instructed to furnish to each weekly newspaper in the state, at the earliest practicable moment, two printed copies of the address and constitution for publication, to be paid for out of an appropriation to be made by the first legislature that shall convene under this constitution: Provided, that no paper shall receive more than twenty-five dollars for the same

Resolved, That the secretary of this convention be, and is hereby authorized to prepare a copy of the journal of proceedings of this convention, and an index of the same for publication at a cost not exceeding three hundred dollars, and that he is hereby charged with the revision and proofreading of the same, for which he shall receive the sum of three dollars per day

Resolved, That the secretary of state be, and he is hereby authorized to advertise for bids for the publication of the journal and debates of this convention for four consecutive weeks and that he be and is hereby required to contract with the lowest bidder for doing said work

Resolved That one of the reporters of this convention be, and is hereby authorized to prepare an index to the debates of this body, to be published therewith, and that he be allowed a sum not exceeding ——— dollars for the same, and that he shall be charged with the revision and proofreading of said debates and index, for which he shall receive the sum of three dollars per day.

Resolved, That when the journal and debates of this convention shall be published, that the secretary of state shall cause to be forwarded to each member of this convention two copies of each.

Mr. GRIGGS. Mr. President, I move to strike out "15,000," where it occurs, and insert "10,000," and to strike out "3,000 copies of the same in the German language."

Committee on Address.

The PRESIDENT. I wish to announce a committee to prepare an address to be printed with the constitution for circulation among the people, and will appoint that committee now. The committee will consist of Messrs. Manderson, Campbell, Wakeley, Towle, Stewart, Moore, and Gray.

Mr. ABBOTT. Mr. President, as Mr. Towle is not here, I would suggest that the gentleman from Platte (Mr. Speice) be named in his place.

The PRESIDENT. I will appoint Mr. Speice, then, in the place of Mr. Towle.

Printing and Binding—Again.

The PRESIDENT. The question is upon the motion of the gentleman from Gage (Mr. Griggs) to strike out "15,000" where it occurs, and insert "10,000," and to strike out "3,000 copies of the same in the German language."

The motion was agreed to.

Mr. MYERS. Mr. President, I move to insert "1,000 copies of the same in the German language."

The PRESIDENT. The question is upon the motion of the gentleman from Douglas (Mr. Myers).

The convention divided, and the motion was agreed to.

Mr. HASCALL. I move t print one thousand in each man, Scandinavian and Bo languages.

The PRESIDENT. The q is on the motion of the gen from Douglas.

The ayes and nays are dem Secretary, call the roll.

The vote was taken and the announced, ayes 29, nays 12, lows:

AYES.

Abbott,	Neligh,
Boyd,	Newsom,
Granger,	Philpott,
Gray,	Price,
Hascall,	Stevenson,
Kenaston,	Sprague,
Kilburn,	Scofield,
Kirkpatrick,	Speice,
Lake,	Thomas,
Majors,	Thummel,
Manderson,	Tisdel,
Maxwell,	Vifquain,
Moore,	Wakely,
Myers,	Weaver.—29.
McCann,	

NAYS.

Ballard,	Griggs,
Campbell,	Mason,
Cassell,	Lyon,
Eaton,	Reynolds,
Estabrook,	Robinson,
Gibbs,	Stewart.—12

ABSENT AND NOT VOTIN

Curtis,	Shaw,
Grenell,	Towle,
Hinman,	Wilson,
Ley,	Woolworth,
Parchen,	Mr. President
Parker,	

So the amendment was agre

The PRESIDENT. The qu is on the adoption of the sectic

The section was adopted.

The secretary read the second resolution as follows:

Resolved, That the secretary of state be instructed to furnish to each weekly newspaper in the state, at the earliest practicable moment, two printed copies of the address and constitution for publication, to be paid for out of an appropriation to be made by the first legislature that shall convene under this constitution, provided that no paper shall receive more than twenty-five dollars for the same

Mr KIRKPATRICK Mr President, I have made a little calculation, and find if twenty-five dollars is paid to each weekly paper in the state it will amount to $950, and I do not see why two printed copies should be furnished to each newspaper Why not publish one? The sum of twenty-five dollars to each paper is too large More than that, I take it the newspapers of this state will have the public spirit to give this matter to the people I would not like to patronize any paper that would not publish it.

Mr GRAY Mr President, I am anxious for my part to see this constitution published in such a way that the voters of this state will know what is contained in it This first section, in my opinion, while I have no objection to it, will not accomplish that object This first section it seems to me, will only partially accomplish that object, and may not effect any good at all But this second section, if it is adopted here will accomplish the whole work If it is published in every paper in the state, every voter will have a chance to read it and reflect upon it; but if you publish it in ordinary form, take ordinary chances for its distribution, there is no human probability, no reason to expect, that they will be delivered generally through the state. I am aware if each paper is paid twenty-five dollars each it will amount to $950; but can you spend that amount of money to any better advantage? If the gentleman wants to save money, save what will be expended in publishing these in pamphlet form. We have got to spend money to get this constitution published; and, after spending all the money we have spent here, shall we stop now for a pitiful sum of one thousand dollars? No, sir. Let us have it published; let us make good use of the last, I hope expense of this constitutional convention

Mr NELIGH Mr President, I move an amendment to strike out twenty-five and insert fifteen

Mr CAMPBELL Mr President, I think it is too much work to expect these newspapers to publish this for nothing. I asked several gentlemen of the press how much they thought they ought to have; they said fifty dollars, but I know gentlemen generally estimate twice as high as it ought to be so I put it at twenty-five, and there is where it ought to stay.

Mr LAKE Mr President this is not a very large sum It is only twenty-five dollars to each paper in the state to publish the constitution. Now, sir, I believe that we ought at least to inform the people of the state as to what is contained in this constitution, so that they may vote intelligently upon it. If we desire to have it defeated, then it would be

wise, perhaps, for us to refuse its publication; because I am sure no intelligent person will vote to adopt an organic law of which he knows nothing. I certainly would not vote to adopt a law as my rule of action if I knew not what it contained, if I was entirely unacquainted with its provisions. Nor do I believe the good people of this state will take up our work and adopt it if we fail to inform them what we have done. Now, sir, the pamphlets we have ordered, that may be distributed throughout the state, will reach a good many persons, unquestionably; but there are a great many who take the papers who will never see one of these pamphlets. My own 'experience [is] that it takes considerable time to publish pamphlets and send them to different members and then distribute them throughout the county, all through the constituency. It takes up considerable time, and now we have only one month to go upon until the election comes, when the people are to determine whether this work we have given to them shall be adopted or not. And, sir, it seems to me that there can be no better plan adopted than this, which is proposed to the committee, to wit: that, in addition to the pamphlets they have provided for, that we provide for the publication of the constitution in the papers of the state. Then all individuals who subscribe for the different newspapers of the state will, at least, have the opportunity of informing themselves as to this constitution. And, Mr. President, I take upon myself to say that, without question, there will be ten persons read the constitution i newspapers where one will read the pamphlets, not because they fer to read it in the type in it will be set up in the news publications, but for the very r that the newspapers will reac subscribers, our constituency, the pamphlets will reach very f them, indeed. Now, sir, I hope modest request of the committ very small sum compared with great benefit to be derived t from, will be acceded to, and we shall not show ourselves to extremely penurious as to with this small pittance when so good will come from it.

Mr. SPRAGUE. Mr. Presider one member of that committ will say the committee conc this method of publishing in pa lets would reach but comparat few, compared with the number would receive information these papers; and, sir, so far as concerned as a member of that mittee that if either section is voted down, it should be the one and not the second. If we pend upon that system of dis inating information with refer to this constitution but very fe our constituents will ever see it far as paying for the publicatio these papers is concerned, it matter upon which I possess no nite knowledge; but, as was st by the chairman of the commi fifty dollars is a small sum to each paper. But it was consid that the papers would be in compensated by filling their colu with a matter of news, hence

placed it at twenty-five dollars, which I think is a small sum; but I hope it will not be cut down.

Mr. NELIGH Mr. President, I withdraw my motion

Mr. MAXWELL. Mr. President, we have only one month in which to bring this knowledge before the people, and I think the amount provided to be paid is very small.

Mr CAMPBELL. Mr. President, I have found out, since the report was made, that the mere cost of setting the matter up will come to twenty-four dollars.

Mr MAXWELL. If I was in favor of any amendment to this report, it would be with regard to the number of publications. Now a great many people don't see a weekly paper; they read the dailies, and don't see the weekly papers at all, hence I would be in favor of striking out the word weekly, and then the resolution would apply to all papers

Mr. GRIGGS. Mr. President, all I wish to say is I hope the speakers will confine themselves to short speeches this afternoon

The PRESIDENT The question is upon the adoption of the second resolution of the report.

The resolution was adopted.

The secretary read the next resolution, as follows

Resolved, That the secretary of this convention be, and is hereby authorized to prepare a copy of the journal of proceedings of this convention and an index of the same for publication at a cost not exceeding three hundred dollars, and that he is hereby charged with the revision and proofreading of the same, for which he shall receive the sum of three dollars per day.

The resolution was adopted.

The secretary read the next resolution, as follows:

Resolved, That the secretary of state be, and he is hereby authorized to advertise for bids for the publication of the journal and debates of this convention for four consecutive weeks, and that he be and is hereby required to contract with the lowest bidder for doing said work.

Mr MAXWELL Mr. President, I move to strike the resolution out. I think this convention has no authority to authorize the secretary of state to advertise for bids for the publication of this journal

The PRESIDENT The question is upon the motion to strike out the resolution.

The motion was agreed to,

The secretary read the next resolution, as follows:

Resolved, That one of the reporters of this convention be and is hereby authorized to prepare an index to the debates of this body, to be published therewith, and that he be allowed a sum not exceeding ——— dollars for the same, and that he shall be charged with the revision and proofreading of said debates and index for which he shall receive the sum of three dollars per day

Mr ABBOTT Mr President, I move to strike the resolution out

The motion was agreed to

The secretary read the next resolution, as follows:

Resolved, That when the journal and debates of this convention shall be published that the secretary of state shall cause to be forwarded to each member of this convention two copies of each.

Mr. GRIGGS. Mr. President, I move to amend by inserting, after the word members, the words "and officers."

Mr. CAMPBELL, Mr. President, the secretary of state, according to the act which convened this convention, is to provide "for such printing as the convention may require." Now, according to these resolutions, he is required to publish our journal and our debates. I move to reconsider the vote by which the resolution relating to that matter was stricken out.

The PRESIDENT. The question is upon the motion to reconsider the vote by which the fourth resolution was stricken out.

The motion was agreed to.

Mr. LAKE. Mr. President, I think the action of this convention was right in the first place, and that the vote ought not be reconsidered.

The PRESIDENT. Will the gentleman allow me to read section 8 of the act referred to? The section reads:

Sec. 8. It shall be the duty of the secretary of state to attend said convention at the opening thereof; and he and all other public officers shall furnish said convention with all such statements, books, papers and public documents in their possession, or pertaining to their office, as the convention may order or require; and it shall be the duty of the secretary of state to furnish the members with such stationery as is usual for the legislature while in session, and to cause such printing to be done as the convention may require.

Mr. LAKE. That is very true, Mr. President, but this only authorizes the secretary of state to provide such printing as may be required to carry on the business of the convention. Suppose the legislature should come to the conclusion that it was unwise to have the debates published at all? Had we not better wait until we find whether the lawmaking power decides to have these journals and debates published? I think it would be unwise to give the secretary of state, or anyone, power to enter into a contract of this kind until the question is decided whether the journal and debates are to be published. Suppose that constitution should not be adopted: would [it] be considered necessary to publish the journal and debates? Let the matter rest and if it is considered important to have them published, the legislature will have sufficient authority to do so, and the legislature might determine that some other person would be far more suitable than the one we propose to entrust this business with. The secretary of state should not be permitted to advertise for bids until it is shown that there is a necessity for doing the work. I hope that the former vote upon this subject will be repealed, and that no action will be taken further than to provide as we have in the resolutions which have been adopted. When these debates and journal shall be published, then, of course, the members and officers of the convention should be supplied with copies for distribution.

Mr. McCANN. There is another and a cogent reason why number four should not be adopted. If it is adopted, and bids are asked for, now after the appropriation has been ex-

hausted, this work will be done while the state warrants are at 80 per cent on the dollar. When the next legislature meets, if the constitution shall be adopted, they will provide for the printing of these debates and the journal, after our credit has been enhanced, and warrants will be worth what they call for. I see no necessity for haste in the matter. If the constitution is not adopted we do not want them published. If it is adopted, the legislature will take the necessary steps.

Mr. MANDERSON. Aside from our financial condition, as a constitutional convention I do not believe we have the right, under the act calling this convention, to order the printing of these proceedings. The act provides that we may order the secretary of state to do certain printing, "such as the convention may require." Do the needs of the convention require the publishing of the debates? Those are an after-consideration, for the good of the people, not for the good of the convention in framing this constitution. It seems to me we ought to leave this to the legislature. But I think there should be some expression of the views of this convention, as to the wisdom of publishing them. I believe we ought to consider the publishing of these debates as an important matter for the people. I vote to reconsider the fourth section, and I now move that sections four, five and six be stricken out, and as a substitute for the third I offer the following resolution:

"Resolved, That this convention recommend to the first legislature that shall hold its session after the adoption of the constitution by the people, the publication of the debates of the convention and the distribution of the same."

This resolution is so drawn that it does not recommend the publication of the debates, provided the constitution is not adopted. But we recommend that it publish the debates. Now, as to the manner of distribution of these debates, the resolution thus provides, that each member of the convention receive two copies. I would not fix any number. The legislature will very properly think the members should have some copies each, and therefore I offer this substitute.

The substitute was agreed to.

Mr. MAXWELL. Section 2. I think, might be improved very much. I can see no necessity for confining the publication strictly to weekly papers. I think section 13 of the act calling this convention would be a very proper one, if altered to meet the case by striking out the date and inserting a new date, etc.

Sec. 13. Any newspaper in this state, which shall give this act one insertion before the tenth day of April, 1871, shall, upon forwarding to the secretary of state a copy containing such publication, be entitled to receive pay for the same, at the same rate as allowed by contract for publishing the laws of the state, which sum shall be certified to the auditor, who shall draw a warrant upon the treasurer for that amount.

Mr. CAMPBELL. The reason we said weekly papers was because they are the kind that go into the country.

Mr. MAXWELL. I move to strike out the word weekly. Why confine

this to any class of papers? Why not say any paper that will publish this and bring it before the people? The papers only receive twenty-five dollars. The daily papers will have the largest bargain [?]. Many persons in towns take the dailies, but not the weeklies. I am in favor of giving the largest possible circulation.

The convention divided and the motion was not agreed to.

The PRESIDENT. Will Mr. Maxwell preside for a short time.

Resolution.

Mr. MYERS. I wish to offer a resolution.

The secretary read the resolution, as follows:

"Resolved, That the president of this convention be authorized to certify ten days' extra pay to the secretaries of this convention for night services."

Mr. KIRKPATRICK. Mr. President. I think a good deal of the secretaries of this convention, but I do not think they ought to have any extra pay. The reporters have been allowed extra pay, but they worked a good deal harder. The secretaries have very little to do. They have four hundred or five hundred dollars for the superintending of the journal.

Mr. CAMPBELL. They did not do any work, did they? I do not know that they have been busy.

Mr. MAJORS. Before I would vote, I think, in favor of that, I would wish the gentlemen secretaries to furnish a bill of their acts at night time, so that we could see.

The convention divided and the resolution was agreed to.

Mr. Manderson. I have a resolution.

The secretary read the resolution as follows:

"Resolved, That the secretaries of this convention be instructed to prepare, for the use of the committee, an address [and] two copies of the constitution at as early a moment as possible.

Mr. MANDERSON. It is highly important that this address be prepared at an early moment, so that it can go to the printer with the constitution.

The PRESIDENT pro tempore. The question is on the adoption of the resolution offered by the gentleman from Douglas (Mr. Manderson).

The resolution was adopted.

Mr. GRIGGS. Mr. President, I move the adoption of the report of the committee on printing as amended.

The report was adopted.

Mr. STRICKLAND. Mr. President. I move that we take a recess for one hour, and then the committee on revision will have the last article ready for reporting; and I think we can get through by ten o'clock this evening.

The motion was agreed to.

So the convention (at 3 o'clock and 35 minutes) took a recess.

Afternoon Recess.

The committee (at 5 o'clock and 10 minutes) was called to order by the president.

Revision.

Mr WOOLWORTH Mr President, your committee on revision have examined certain miscellaneous sections and recommend that section 10 of the legislative article as adopted by the convention, the section on state, county and municipal indebtedness, the section on the state capital, and the section on the militia be grafted in the engrossed constitution as separate sections.

The recommendation was agreed to

Mr WOOLWORTH. That the said section 10 be amended by inserting 'the same" in place of 'the state," in the third line, and by striking out of the sixth and seventh lines the words 'exercise the right of suffrage or ' This provision is incorporated in the article on the rights of suffrage

The amendment was agreed to.

Mr WOOLWORTH That the section on militia be amended by striking out "by law," in the second line and 'by law" in the sixth line

The amendment was agreed to.

Mr WOOLWORTH. That the section on the capital be amended by striking out of the third line thereafter and out of the fourth and fifth lines "as the capital and," and insert' therefor '

The amendment was agreed to

Mr CAMPBELL Mr President, I move to reconsider the vote by which the first resolution in the report of the committee on printing [was adopted]

The motion was agreed to

Mr. CAMPBELL. Mr President, I now move that the words "of state," after "secretary" be stricken out, and the words "this constitution" inserted.

The motion was agreed to

Mr. WAKELEY. Mr. President, the committee on revision and adjustment report the following amendments to the schedule:

Section 1, line five, strike out "complete." Insert in ninth line, "time of the"

Agreed to.

Mr. WAKELEY. Section 2. In line three insert after the word Nebraska "or to the people thereof."

Agreed to.

Mr WAKELEY Section 6. Line two, after the word continue, insert "during their unexpired terms."

Agreed to.

Mr WAKELEY In lines four and five strike out ' for their unexpired terms "

Agreed to.

Mr WAKELEY Strike out all after tenth line, and insert "and hold his office until the expiration of the terms of those now in office.'

Agreed to

Mr WAKELEY Section 7 Strike out and" in sixteenth line, and add to the section the words 'and the section relating to the extension of the rights of suffrage "

Agreed to.

Mr WAKELEY Section 8 In sixth and seventh lines strike out the words "the number of," and insert ' as many "

Agreed to.

The motion was agreed to, and the convention, at 5 o'clock and 45 minutes, adjourned.

Evening Session

The convention was called to order at 10 o'clock and 10 minutes, by the president.

Mr. WEAVER. Mr. President, I move we take a recess until 11 o'clock.

The motion was agreed to.

So the convention took a recess.

After Recess

The convention was called to order at 11 o'clock and 30 minutes, by the president.

The PRESIDENT. Will the gentleman from Cass (Mr. Maxwell) take the chair? I must go to attend to the enrolling of the constitution.

Resolutions—Copies of the Constitution.

Mr. McCANN. Mr. President, I wish to offer a resolution.

The secretary read the resolution as follows:

Resolved, That the secretary of this convention is hereby directed to prepare two copies of the constitution, one of which is to be placed in the hands of the president, one to be retained by the secretary, while the original is to be deposited in the office of the secretary of state, as provided by the schedule.

The resolution was adopted.

Vote of Thanks to President Strickland

Mr. KIRKPATRICK. Mr. President, I offer a resolution.

The secretary read the resolution, as follows:

Resolved, That the thanks of this convention are due and are hereby tendered to President Strickland for the able, faithful and courteous manner in which he has discharged the duties of the chair during the session of this convention.

The ayes and nays being demanded the secretary called the roll.

The president pro tempore announced the result, yeas 35, nays none, as follows:

YEAS.

Abbott,	Manderson,
Ballard,	Maxwell,
Campbell,	Moore,
Cassell,	Myers,
Eaton,	Neligh,
Estabrook,	Newsom,
Gibbs,	Price,
Granger,	Reynolds,
Grenell,	Robinson,
Hascall,	Scofield,
Gray,	Sprague,
Kenaston,	Stevenson,
Kilburn,	Stewart,
Kirkpatrick,	Thummel,
Lyon,	Tisdel,
McCann,	Vifquain,
Majors,	Weaver.—35.
Mason,	

ABSENT AND NOT VOTING.

Boyd,	Shaff,
Curtis,	Speice,
Griggs,	Thomas,
Hinman,	Towle,
Lake,	Wakeley,
Ley,	Wilson,
Parchen,	Woolworth,
Parker,	Mr. President.—17
Philpott,	

So the resolution was adopted.

Thanks to Secretaries and Reporters and Chaplain.

Mr. ROBINSON. Mr. President, I wish to offer a resolution.

The secretary read the resolution, as follows

Resolved, That the thanks of this convention are hereby tendered the secretaries, officers and reporters of this convention, and especially to the Rev. L. B. Fifield, for the faithful and efficient manner in which they have discharged their duties.

The ayes and nays being demanded the secretary called the roll.

The president announced the result, yeas 36, nays, none, as follows

YEAS

Abbott,	Manderson,
Ballard,	Maxwell,
Campbell,	Moore,
Cassell,	Myers,
Eaton,	Neligh,
Estabrook,	Norval,
Gibbs,	Plunkett,
Granger,	Price,
Grenell,	Reynolds,
Gray,	Robinson,
Hascall,	Scofield,
Kenaston,	Sprague,
Kilburn,	Stevenson,
Kirkpatrick,	Steward,
Lyon	Thummel,
McCann,	Tisdel
Majors,	Valentine,
Mason,	Weaver—36.

ABSENT OR NOT VOTING

Boyd,	Shaff,
Curtis	Spence
Griggs	Thomas,
Hinman,	Tyler
Lake,	Wakeley,
Ley,	Wheat
Parchen,	Woolworth,
Parker,	Mr. President—16

So the resolution was adopted

Mr. ABBOTT. Mr. President, I have a resolution to offer

The secretary read the resolution as follows:

Resolved, That the thanks of this convention be, and are hereby tendered to the several members of the committee on revision and adjustment for the prompt and efficient manner in which they discharged the delicate and important duties entrusted to their care.

The resolution was adopted.

Mr. McCANN. Mr. President, I wish to offer a resolution.

The secretary read the resolution, as follows:

Resolved, That the thanks of this convention be, and they are hereby tendered to the Union Pacific Midland Pacific, Burlington & Missouri River, Omaha & Northwestern, Omaha & Southwestern, and the Sioux City & Pacific railroads

The resolution was adopted

Mr. MASON. Mr. President, I desire to offer a resolution

The secretary read the resolution, as follows

Resolved, That the thanks of this convention be, and the same are hereby extended to the officers of this state for the prompt and faithful manner in which they have responded to the several resolutions asking for information from the several departments.

The resolution was adopted

Mr. SPRAGUE. Mr. President, I move that we take a recess for thirty minutes

The motion was agreed to

So the convention (at 12 o'clock midnight) took a recess

After Recess

The convention (at 1 o'clock and 30 minutes) was called to order by the president

Report of Committe.

Mr. WOOLWORTH. Mr. President, your committee on revision and adjustment report the constitution of the state of Nebraska, together with the schedule and independent sections and articles, as property enrolled.

Mr. THOMAS. Mr. President, I move that the report of the committee be accepted.

The motion was agreed to.

Mr. THOMAS. Mr. President, I move the adoption of the report by the convention and on that call the ayes and nays.

Mr. BOYD. Mr. President, I have a resolution to offer.

The secretary read the resolution as follows:

Resolved, That the enrolled constitution be signed in the following order, to wit: first, by the president of this convention, and, secondly, by the members of the convention in alphabetical order, and that they do now proceed to authenticate it by signing, after which the same shall be attested by the secretaries of the convention.

The resolution was adopted.

Mr. MANDERSON. Gentlemen, I have in my hand a penholder and pen, now of little value, but which, I hope, will be used to sign this constitution, and that will make it, I think, of great worth, and I move the adoption of this resolution.

Resolved, That the pen with which the constitution shall be signed be presented to the president of the convention.

Mr. CAMPBELL. Is the pen a good one?

Mr. MANDERSON. As good as I can get.

The motion was put by Mr. Manderson and agreed to.

Mr. NELSON. Mr. President, I have a resoultion, and move it.

The secretary read the resolution as follows:

Resolved, That the pages of this convention are entitled to pay for ten additional days for night services; and the president is hereby authorized to certify the same for payment.

The motion was agreed to.

Signing of the Constitution.

The PRESIDENT. Persons holding power of attorney to sign for absentees will sign the constitution in their order and file the power of attorney with the secretary.

Mr. STEWART, when the name of Mr. Curtis was called. I have the power of attorney to sign for Mr. Curtis.

I hereby authorize A. S. Stewart to sign my name to the constitution.

W. H. CURTIS.

Mr. ABBOTT, when Mr. Hinman's name was called. I have power of attorney to sign for him.

August 2, 1871.

I hereby authorize O. A. Abbot [to sign my name] to the proposed amendments to the constitution of the state of Nebraska.

B. I. HINMAN.

Sergeant at Arms and Doorkeeper.

Mr. KENASTON, Mr. President, I desire to offer a resolution.

The secretary read the resolution as follows:

Resolved, That the sergeant at arms and doorkeeper be allowed ten days' extra pay for night services.

The resolution was adopted.

Signing the Constitution, Again.

Mr. MANDERSON, when Mr. Shaff's name was called. Mr. President, I have a power of attorney from Mr Shaff, authorizing me to sign his name It reads as follows:

Lincoln, Aug. 18, 1871.

Gen'l. C. F Manderson,
Lincoln, Neb

Dear Sir' I herewith authorize and request you to sign my name to the new constitution.

Very respectfully,
JACOB SHAFF.

Mr ROBINSON, when Mr Towle's name was called I am empowered to sign for Mr Towle.

Lincoln Neb , Aug. 18, 1871

Gen. Seth Robinson,
Lincoln Neb

Dear Sir In case the blank sheet to which I have already signed my name is not attached to the new constitution, I hereby authorize and request you to sign my name to the said constitution for me Very respectfully, EDWIN S TOWLE

Resolutions Again—Janitor.

Mr. BALLARD Mr President, I wish to offer a resolution

The secretary read the resolution as follows

Resolved, That the janitor to this convention be allowed ten days' extra pay for night services.

The resolution was adopted.

Absentees Signing the Constitution.

Mr BOYD I wish to offer a resolution

Resolved, That the members who have failed to sign the constitution be granted leave to do so, in the presence of the secretary of state, on or before the 19th day of September, 1871.

Mr. MAJORS. Would it not be well to have [the] resolution so modified that they can sign by proxy?

Mr. BOYD It can be done by power of attorney anyway.

The resolution was adopted.

After Signing the Constitution.

The PRESIDENT. Gentlemen, is there any further business?

Mr. HASCALL. Mr. President, I move that the reading of the journal be dispensed with, and that the same be approved.

The motion was agreed to.

The President's Address.

The PRESIDENT Gentlemen of the convention, before performing the last act of my official position, I may be permitted to express the hope that the work we have done will bear the inspection of a candid public. In 1787, in the federal convention, the engrossed constitution having been read, Benjamin Franklin rose, and from his written speech these opening words were read

"Mr. President, I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them."

In that convention, and in the many state conventions, great exertion has been made to insure the public welfare. By their labors we have tried to profit We are content to trust and await the judgment of our fellow citizens, to whose verdict we will bow with that deference which becomes the servants of a free and enlightened people. Our gates are wide open to welcome all who shall be pleased to come from the overcrowded lands of the old world to the

innumerable unoccupied and rich acres of the new, where every honest man by earnest toil may make his ample home. We welcome them to a land where no despotic ruler bears an iron rod, and where no cry of madness is ever heard for bread. For the many thousands who have come with every month from other states and countries to our fertile borders, and for the many more who are pressing after them, we have made this constitution, and have endeavored to make provision, not only for those now within our state, but the multitude to follow them. So far as may be done by fundamental law, the aim has been to pay due regard to the many, and sometimes conflicting interests of society. We have sought to give protection to every industry and encouragement to every laborer. We have endeavored to guard the public treasury. We have striven to protect the institutions of learning and of philanthropy that are under state control. These considerations inspire me with the confidence that the prosperity of the state through coming successive years will abundantly vindicate the right of this instrument to the respect of all who shall live under it.

Gentlemen, I thank you for your patience and indulgence, so many times extended to me in my efforts to perform official duties. And now, if we have wrought with any credit to ourselves, or with any advantage to the state, it becomes us to make special acknowledgment of our indebtedness to the good providence that has blessed us, to the supreme ruler whose just and merciful government is the one sufficient authority for all human law.

Closing Prayer.

Prayer was offered by the chaplain as follows:

Almighty, all wise, eternal God and King, we thank thee for thy goodness to us during these many weeks. What is wrong that has been done wilt thou forgive. What has been wisely done, wilt thou defend. And now, oh Father, we pray thee accept our thanks, and return us to our homes for thy mercy's sake.

Through Jesus Christ, our Lord. Amen.

Adjournment.

The PRESIDENT. Gentlemen, wishing you safe return to your homes; wishing you sucess in the ordinary pursuits of life; wishing you honor in any public station in future service; wishing you well in this world and the world to come. I declare this convention adjourned without day.

So the convention, at 2 o'clock and 50 minutes, a. m., Saturday, August 19, 1871, adjourned sine die.

NOTE.—The following letter to the editor from Judge Robert E. Evans, of Dakota City, and dated January 11, 1913, should be read as an appendix to foot note number 3.—Ed.

"Some time since Mr. Watkins requested me to furnish him the date at which the cut-off in the Missouri river which resulted in Crystal Lake and the placing of what is known as Walker's Island on the Nebraska side of the river, occurred. Barney Gribble, who came to Dakota county in 1849 or 1851, is the authority for the dates hereinafter contained.

"On the 4th day of April, 1867, two or more farmers owning land on the Nebraska side of the river went to what is now the north end of Walker's Island and near where the Missouri river now flows, for the purpose of cutting through the neck of land dividing the river as it flowed south on the west side of the neck and north on the east side of the neck and found that the river had already done the work and was flowing through this cut-off so made, placing what is now known as Walker's Island, and which had formerly been a part of the territory of Dakota, south of the Missouri river; and a portion of the old channel of the Missouri river became what is now known as Crystal Lake. The meander line run by Armstrong in 1870 fixes the south line of the Missouri river by survey for the first time after the cut-off. This I think is the information desired."

ADDRESS

The address to voters, which was issued by a committee of the convention, and a copy of the constitution follow. It was necessary to reprint the address from an imperfectly printed copy because the original was not preserved Obvious mistakes in verbage and punctuation have therefore been corrected. The constitution is a verbatim copy of the original, which is kept in the office of the secretary of state it appears to have been carefully engrossed, though the punctuation is not in accord with present usage Ed

The convention, which in accordance with your expressed desire, met at the capitol of the state, on the 13th day of June, to revise, alter or amend the constitution of the state, completed its work on the 19th day of August, and the result of its labors is herewith placed before you The task of your servants completed, it is now for you to say whether it is well done, and accept or reject the same as may be deemed best for the advancement of the interests of the state The present constitution has proven itself but poorly adapted to the existing wants of the body politic, which has outgrown the garments of childhood and needs the apparel of fast maturing manhood. We believe these that we offer for your inspection will prove to be well fitted to its needs, and sufficiently roomy to admit of that further growth and expansion which we are now watching with such pride and anticipate in the future with so much interest. We believe it to be no part of our duty, in the address which the convention has deputized us as a committee to make, to present the new constitution to you with zealous advocacy; but rather that we should call attention to its prominent features; its points of difference from our existing organic act, the means provided for its submission for adoption or rejection; the probable effect of its new provisions and the mode of remedying any evils that may arise under its workings. It is a matter of sincere regret to the committee that the time granted for its consideration by the people is so short; but a moment's reflection will show that this is unavoidable. It is provided that the question of adoption or rejection of the instrument shall be submitted on the 3d Tuesday in September, or the 19th day of the coming month Under the present law the general election would occur on the 2nd Tuesday of October, or the 10th of that month The necessity of knowledge, by the executive officers of the state, of the

fact of the adoption or rejection of the work of our hands, before such October election, is apparent. In a state so large as ours election returns come in slowly, and even by placing the time for submission at so early a day there will be barely time to issue the proclamations and make the other needful preparations for the usual fall elections in case the new constitution should be rejected. If adopted, then by its terms the election to fill all offices, created or continued by it, will be [on] the Tuesday succeeding the first Monday in November, or the 7th day of that month. The endeavor of the committee, aided by the other members of the convention, will be, by active and generous distribution of copies of the constitution together with this address, to speedily place it in the hands of all the people, that they may study its provisions and vote understandingly. That it will suit all men, or that all its parts will suit any one man we do not believe. So it was in convention; so it will be at the polls. Every one will probably find in it something he would exclude, or would insert something it does not contain. It should be taken, however, as an entirety and judged as a whole, and if it be better than our present organic act, it should be adopted. Many considerations seemed to make a revision of the constitution not only advisable but necessary. However wise and judicious when adopted, that constitution has become wholly inadequate to subserve the necessities of the state, without modifications and restrictions. The judicial system has become unequal to the growing and constantly increasing needs of parties litigant. A separate supreme court, constituted of judges, no one of whom had decided causes therein to be heard in the court below, was demanded universally by the bar and the people. The great increase of population and its expansion over extensive regions hitherto unsettled demanded a considerable increase in the number of the members of the legislature. The school lands and funds and other state lands of vast extent and value required some definite provision for their care, control and supervision. Experience had proven that much ampler safeguards were necessary to protect the property and the treasury of the state. In short, many mischiefs existed that could only be remedied by the destroying and creative hand of the people; and their recognition of this fact has resulted in the subjoined constitution. The committee deem it proper here to call the attention of the electors to the result which would attend the defeat of the proposed organic act, and also the provisions made in it for amendment or revision, if it be adopted.

The present constitution contains no provision for amendments. It can be changed only by the calling of a convention to "revise or change" it, as has just been done. The method of accomplishing this is prescribed. First, the legislature must submit to the voters of the state the question whether or not a constitutional convention shall be called. The vote

must be taken at the time of "the next election for members of the legislature" If a majority vote for [a] convention, the legislature, at its next session, must provide for calling one. Under the existing constitution the next regular session of the legislature will be held in January, 1873 Should it submit to the voters the question of a convention the vote upon it would be taken at the next election thereafter of members of the legislature, which would occur in October, 1874. The legislature convening in January, 1875, would provide for calling the convention; and, should it ever order a special election for delegates, the convention would not, of course, be held until 1875, nor the constitution be voted upon before October of that year. This process could be shortened only by the calling of one or more special sessions of the legislature This slow and expensive process is remedied by the terms of the constitution we submit to you If it be adopted, any amendment or amendments can be made to it by the concurrent action of the legislatures sitting in January, 1872, and in January, 1873, and a majority vote of the electors in November 1873 Or, under another of its provisions, a convention could be called to revise or change it so as to submit the revision or changes to the people in November, 1874 These considerations seem to the committee to have weight in determining the proper remedy for whatever there may be in the [proposed] constitution which it is thought the majority of the people would not approve

With these preliminary general remarks, the committee deem it proper now, as briefly as is consistent with a desire to present the constitution fairly, to call attention, under appropriate heads, to its

Bill of Rights.

Recognizing our dependence upon almighty God and our gratitude for many benefits received at his hands, in addition to the usual guaranties of natural and civil liberty, we declare that no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions, nor shall any person be compelled to attend or support any place of worship, nor shall any preference be given by the law to any religious denomination All persons have the right to publish the truth, with good motives and justifiable ends, being responsible for the abuse of the privilege The right of trial by jury shall remain inviolate, and the usual securities to persons and property are guaranteed. We provide that grand juries may be dispensed with, that offenders shall be proceeded against by information of a public prosecutor or by indictment leaving to courts and judges the power to empanel grand juries in their discretion We secure the usual rights to persons charged with crime Private property shall not be taken or damaged for public use without just compensation, to be ascertained by a jury, and paid in money or secured by a deposit thereof, and in every case such damage is to be paid without deduction of any benefit to the property of the owner. The fee of land taken for

railroad tracks is to remain in the owner, subject to the use for which it is taken. There shall be no impediment to the exercise of the elective franchise by the qualified voter. The writ of error, in cases of felony, shall be a writ of right. Wholesome exemptions and homestead laws are required at the hands of the legislature. Alien residents of the state are guaranteed the same rights of person and property as native born citizens.

Legislative Department.

Recognizing the necessity which has caused such universal expression desiring such results, we have increased the number of senators to nineteen, and of representatives to fifty-seven, with a provision that the legislature may increase the number, not to exceed thirty-three senators and one hundred representatives. Of course this maximum is a larger legislative body than the needs of the state will require for many years, but the lawmaking power will certainly not abuse the discretion given it. We provide, because of the rapid and constantly increasing immigration, that a census shall be taken every two years until 1878, inclusive, and every ten years after, including 1885. This duty being attended to by assessors, will involve an expense but trifling compared with the good resulting from it; and thus, alternating with the federal census, we will have an enumeration every five years, after 1870.[37] The legislature is thus enabled to apportion the senators and representatives under the rule pointed out in the constitution, which, upon examination and in practice, will be found everything that can be desired and work justly to all parts of the state. We require the age of twenty-five years and two years residence in the state for eligibility to the senate, and prohibit persons holding lucrative office under the state or United States from taking seats in the legislature. We provide a stringent oath against bribery and corruption, believing a constitutional check in this regard called for and advisable. We guard against hasty and vicious legislation by requiring all bills to be read on three different days and printed before they are passed. No member of the legislature or state officer shall receive any civil appointment or be interested in any contract with the state. The sections concerning impeachment will commend themselves. The evils of special and local legislation have become enormous, and such lawmaking is fraught with the greatest danger to the people. We prohibit the legislature from passing such laws, in all cases where a general act can be made applicable. We prohibit extra pay after services performed, or increase of compensation of officers during their terms. The state shall not loan its credit to corporations or individuals, nor shall any liability to the state be released. The salt springs, being a source of future wealth, shall not be alienated. We carefully guard the public expenditures and limit indebtedness to meet casual deficits or failure in revenue. We prohibit the authorization

37. Evidently this should be 1880; for it appears, in section 2, article III, of the constitution, that a census, either federal or state, would be taken every two years from 1870 to 1880, inclusive, and afterward every five years.—Ed.

of games of chance and lotteries, provide that contracts for printing, binding fuel, stationery, etc., for the state shall be let to the lowest bidder and be done within the state, and, that all may know the law, we provide that no act shall take effect until the 1st of July after its passage, unless in cases of emergency, to be recited in the act

Executive Department.

We have created the new offices of lieutenant governor, and commissioner of public lands and buildings, the needs of the state and a proper regard to an economic administration requiring it. These with the governor, secretary of state, auditor of public accounts, attorney general, treasurer and superintendent of public instruction, are to hold their offices for two years, after the first election, when they are to be elected for one year. All, save the lieutenant governor, are to reside at the capital. We provide a safe mode of canvassing the vote for state officers, avoiding the danger of collusion in cases of contested elections. For better security of the public funds, the state treasurer is declared ineligible to the office for two years after serving two consecutive terms. All state officers are ineligible to fill any other office during their terms. We require the governor, at each session of the legislature, and at the close of his term of office, to furnish a statement of all monies [moneys] received and paid out by him from any funds subject to his order, with his vouchers therefor.

We require all state officers to keep an account of all monies [moneys] received or disbursed by them and make report semiannually to the governor and legislature, thus enabling the representatives of the people to expose, and, by suitable laws, to prevent improvident expenditures and frauds.

We give the governor power to remove all officers appointed by him, in case of incompetency or malfeasance in office. We require the governor to submit a careful estimate of expenses and revenue of each legislature. This will restrain extravagant appropriation, and give the people a proper understanding of the financial condition of the state. The veto power of the governor can be overcome by a vote of two-thirds of each house and we provide against the so-called "pocketing" of bills by the executive. Nominations to fill offices by the governor are to be confirmed by the senate. The pardoning power has wholesome checks upon its abuse. The commissioner of public lands and buildings, secretary of state, treasurer, and attorney general constitute a board of supervision and control of state property and institutions, save those for educational purposes merely. We provide security from corruption and safety from loss, by requiring proper oaths, and bonds to double the amount of money that may probably come into the hands of officials.

Judicial Department.

A separate supreme court is established consisting of three judges,

ceeding two per cent per annum without a vote of the people, except to pay existing indebtedness. The method of assessment for local improvements in towns and cities is prescribed. Private property shall not be taken or sold for the debt of municipal corporations. No defaulter shall be eligible to any office. The legislature at its first session shall provide for funding the state indebtedness and may provide for allowing counties and municipalities to do the same. All claims upon the treasury shall be adjusted by the auditor and approved by the secretary of state before a warrant can issue.

Counties.

It is provided that new counties shall not contain a less area than four hundred square miles. Counties shall not be divided unless by the expressed wish of a majority of the voters residing therein. They may be if their area is over nine hundred square miles. Where a part of a county is stricken off, it is held for its proportion of indebtedness. No county seat shall be removed unless two-thirds of the voters agree, but a majority can remove the capital ten miles in a direct line nearer the center. When a majority of voters so determine, a county may be divided into township organizations, and may, by vote, dispense with the same.

Corporations.

This article is very important. No corporation can be created by special law. General laws must be passed, under which corporations may be organized, and such laws are subject to amendment or repeal. All stockl ers are to be liable for corp debts, after the corporate pro is exhausted, to the amount of stock. Cumulative voting fo rectors is allowed, by which a jority of the stockholders can a due proportion thereof. Exi charters, under which no orga tion has taken place, shall be null and void, unless organized in ten days after this constit is adopted. No state bank, or in which the state is interested, be created. No banking law sh passed without the same being mitted to, and approved by a vo the people. Every stockholder banking institution shall be lutely liable for its debts, t amount equal to his stock. Su sion of specie payments shall be permitted. Circulation sha secured by United States or Neb state bonds. Other wholesome visions are made as far as relat banks of issue or circulation. T provisions may not have pra application, unless the Neb banking law should cease amended. But should such ban established in this state, it i lieved that the constitutional guards to the people will be f valuable and sufficient. Some and quite important provisions i spect to railroad corporations wi found in this article. Section 1 quires all such corporations d business in this state, by its aut ity. to keep an officer [office] t in for the transfer of stock, and the transaction of other busine

interest to the public. It requires the directors to make an annual report, under oath, of the passenger and freight earnings of the road, and of all such other matters as may be required by law. The rolling stock and movable property of the railroad company shall be liable to sale on execution, like the personal property of individuals, and shall never be exempted from execution and sale. There shall be no consolidation of railroads running parallel, or competing lines, nor, in any case, without sixty days notice to the public The legislature may[35] at any time fix by law the maximum rates of charges for transporting passengers and freight and shall pass laws to correct abuses and to prevent unjust discrimination and extortion in such rates The liability of railroad companies as common carriers shall never be limited but remain as at common law No stock or bonds shall be issued but for money, labor or property actually received, and there shall be no fictitious dividends or increase of stock. All corporate franchises shall be subject to the right of of eminent domain, like individual property. There shall be no county or municipal aid given to a railroad company which has received a land grant from the United States or built its road, in whole or in part, from the proceeds of such grant The right of trial by jury shall be inviolable in all cases of compensation for damages when a railroad company shall be interested for or against the claim.

[35] This should have been 'shall.' See section 13 article x, of the constitution, and foot note number 1, hereof. Ed

County and Municipal Aid to Corporations.

We prohibit any municipality from becoming subscribers to the capital stock of any corporation, or make [making] donations thereto, or aid [aiding] any work of internal improvement, owned by any private corporation or individuals, unless three-fifths of the electors voting on such proposition so agree; and no such indebtedness shall at any time exceed ten per cent of the taxable valuation The line of railroads to be aided must be definitely located, such aid must not exceed five thousand dollars per mile, and must not be paid until the road is completed ready for rolling stock. A separate proposition to be voted on will be hereafter referred to.

Miscellaneous Provisions.

We fix the capital of the state at Lincoln until 1880, after which it may be removed by a majority of the electors. We prohibit the holding of office by any person convicted of embezzlement of the public funds or of felony

Amendments.

We have already spoken upon this subject. The ease and facility afforded to the people to rid themselves of any objectionable features in the constitution will be observed to be commended An amendment concurred in by a majority of two successive legislatures shall be published by the secretary of state, and at the next election for members of

the legislature, if a majority of those voting on such amendments agree, the organic act is changed accordingly.

The calling of conventions to revise or change is also provided for.

Salaries.

The convention, believing that good work should be fairly paid for, have provided such compensation for public officials as is just and that the state can well afford to pay. We have endeavored to be equitable, both to the state and its servants. All of the salaries of the state officers, supreme, and district judges, can be paid by a tax of but little over three-fifths of one-tenth of one per cent of the assessed valuation of the property of the state, or three and eight-tenths cents on each one hundred dollars of valuation, the tax roll of the state being now over $55,000,000. We provide that the fees and salaries of all officers shall not be increased or diminished during their terms.

The schedule properly guards the interests of the state in making the change from the old constitution to the new.

Separate Propositions.

We desire to make a few suggestions relative to the effect of the adoption or rejection of these [the] several propositions separately submitted. They go to the people for their action upon them because, in each instance, a minority of the convention, respectable in numbers and ability, honestly advocated that should be made parts of the fu mental law. The convention, v out indorsement in any degree, them to the source of power for sideration and such action t them as may be deemed best for body politic. If that relating to inhibition or license of the sal intoxicating liquors be adopte will require the legislature to vide according to the terms of proposition. If rejected, of co the legislature will not be requ to act in the premises. There wil no constitutional provision on subject. Whether or not the leg ture will have the power, witl constitutional warrant therefor, pass such laws as the proposi contemplates, it is not our prov to decide or advance an opinion u

These remarks are also applic in a degree to the proposition spbecting compulsory education reformatory schools. It will be ticed that, should this proposi be adopted by the people, the ma is still left discretionary with lawmaking power. The languag "the legislature may;" not " legislature shall."

The proposed section relating the liability of stockholders banking associations, it will be se differs from the section in the body the constitution in this: The maj ity of the convention fixed such bility at an amount equal to shareholders' stock; the propo separate section makes the sto holders liable for twice that amou

The proposed section permitting the elective franchise to be extended was submitted to the people at the instance of the delegates favorable to female suffrage, a majority of the convention refusing to insert it in the body of the constitution. Should it be adopted, a majority of the legislature could at any time submit to the electors of the state a proposition to extend the elective franchise to any class of persons not made voters by the constitution, and a majority of those voting on that question would decide it. The proposed section is taken from the constitution of Wisconsin, where it has existed since 1848. Should the proposition be rejected, the elective franchise can be extended only by the same method as other amendments to the constitution can be made.

The proposed article prohibiting county or municipal aid to railroads or corporations deserves special attention. In the body of the constitution is found a provision setting forth stringent conditions and limitations hereinbefore referred to, under which such aid may be given. This regulating and restraining section will stand, unless the independent prohibitory section receives a majority vote.

We also invite the special attention of the electors to the method of voting for or against the constitution or any proposition separately submitted. It is the precise plan adopted in submitting the constitution and several separate propositions to the voters of Illinois at the recent framing and adopting of her constitution, and seemed to the convention the most convenient and suitable one. Only one form of ticket is furnished. Upon this all the propositions are in the affirmative, thus: "For the Constitution," "For the Article Prohibiting County and Municipal Aid to Corporations," "For the Section Relating to the Extension of the Elective franchise," etc. It is provided that the ballot shall be counted as a vote for every proposition not cancelled with ink or pencil. This is so stated at the top of the ballot. Therefore a voter, wishing to vote for the constitution and for all the separate propositions, will deposit his ballot without change. If he wishes to vote for the constitution and vote against any or all the separate propositions, he will deposit a ballot on which is cancelled, with ink or pencil, the proposition or propositions against which he desires to vote, leaving the others not cancelled. If he wishes to vote against the constitution, he will cancel the words, "For the Constitution," and in like manner, as above, he will cancel each separate proposition against which he desires to vote. In other words he votes for each proposition which is not cancelled, and votes against each proposition which is cancelled. Unless the constitution is adopted by a majority vote, no separate proposition is adopted, whether it has, or has not a majority vote.

It should be observed that our state legislatures are only restrained by the constitution of the state and of the United States. It is therefore necessary that state constitutions should contain many regulations and restrictions, while the constitution of the United States may be much

shorter—for that is a government of delegated power, with only the incidental powers necessary and proper to execute the powers granted.

The new constitution, as it is here offered to you, is the result of much labor, reflection and discussion. Interest and inclination will prompt you to give its provisions that earnest, careful and candid consideration they deserve, and the committee are satisfied that if the whole instrument together is compared by you with the one that now retards our growth, your decision will be one that will promote the well-being and future prosperity of our beloved state.

CHARLES F. MANDERSON,
Chairman.
JOHN C. CAMPBELL,
DAVID T. MOORE,
ELEAZER WAKELEY,
ENOS F. GRAY,
ALEXANDER S. STEWART,
CHARLES A. SPEICE,
Committee on Address.

THE CONSTITUTION OF THE STATE OF NEBRASKA

PREAMBLE.

We, the people of the State of Nebraska, grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this constitution for the state of Nebraska.

ARTICLE I

Bill of Rights.

Section 1. All men are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

Section 2. No person shall be deprived of life, liberty or property, without due process of law.

Section 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No person shall be required to attend or support any ministry or place of worship, nor shall any preference be given by law to any religious denomination or mode of worship.

Section 4. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty, and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

Section 5. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but the trial of civil cases and misdemeanors before justices of the peace and inferior magistrates, by a jury of less than twelve men, may be authorized by law.

ARTICLE III.

The Legislative Department.

Section 1. The legislative authority is vested in a senate and house of representatives.

Section 2. The legislature shall provide by law for an enumeration of the inhabitants of the state, in the year 1872, and every two years thereafter, until the year 1878 inclusive. After the year 1880, it shall provide for an enumeration in the year 1885 and every ten years thereafter, [;] and at its first regular session after each enumeration, and also after each enumeration made by the authority of the United States, but at no other time, the legislature shall apportion the senators and representatives, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

Section 3. In making the apportionment for senators, each county having three-fifths of the senatorial ratio shall be entitled to one senator and be a senatorial district. Each county entitled to one or more senators and having a surplus of three-fifths of such ratio shall be entitled to an additional senator therefor. Contiguous counties, no one of which has three-fifths of the senatorial ratio, shall be formed into districts containing, respectively, as near as practicable the full ratio, and not less than three-fifths thereof.

Section 4. Representatives shall be chosen by districts of convenient, contiguous territory, as compact as may be, to be defined by law. Each county having three-fifths of the ratio shall be entitled to one representative. Each county having a surplus of three-fifths of the ratio shall be entitled to one additional representative. A county having less than three-fifths of the ratio shall be joined with one or more like counties to form a representative district, containing as nearly as practicable the full ratio, and not less than three-fifths thereof, and no county therein shall be included in any other representative district. But no county shall be divided for the purpose of attaching a part thereof to another county in forming a representative district.

Section 5. The first house of representatives shall consist of fifty-seven members, and the first senate shall consist of nineteen members. After the first election, the number of members of each house shall be regulated by law, but the number of representatives shall never exceed one hundred, nor that of senators, thirty-three. Until the year 1873, representatives shall be chosen for one year, and thereafter for two years. Senators shall be elected in the year 1871 for one year, and thereafter for two years.

Section 6. Members of the legislature shall receive for their services four dollars per day, and mileage at the rate of ten cents per mile, for each mile necessarily traveled in going to, and returning from the capital. The speaker of the house shall receive twice the per diem of members.

Section 7. No person shall be a senator who shall not have attained the age of twenty-five years, and have been an inhabitant of the state two years next before his election, and the last year thereof an inhabitant of the district for which he shall be chosen, unless he shall have been absent on the public business of the United States or of this state; and no person elected as aforesaid shall hold his office after he shall have removed from such district.

Section 8. No person, being a member of congress, or holding any office under the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the legislature but this provision shall not extend to postmasters, whose annual compensation shall not exceed three hundred dollars, nor to township or precinct officers, justices of the peace, notaries public, or officers of the militia. And if any person shall, after his election as a member of the legislature, be elected to congress or appointed to any office, civil or military under the government of the United States his acceptance thereof shall vacate his seat

Section 9 The session of the legislature shall commence at twelve o'clock noon on the first Tuesday in January in the year next ensuing the election of members thereof and at no other time, unless as provided by this constitution. A majority of the members elected to each house shall constitute a quorum Each house shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members; shall choose its own officers, and the senate shall choose a temporary president, to preside when the lieutenant governor shall not attend as president, or shall act as governor The secretary of state shall call the house of representatives to order, at the opening of each new legislature, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house and no member shall be twice expelled for the same offense Each house may punish by imprisonment any person not a member thereof, who shall be guilty of disrespect to the house, by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Section 10 The mode of organizing the house of representatives at the commencement of each regular session shall be prescribed by law.

Section 11. Members of the legislature, before they enter upon their official duties, shall take and subscribe the following oath or affirmation

I do solemly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Nebraska, and will faithfully discharge the duties of senator (or representative) according to the best of my ability and that I have not knowingly or intentionally paid or contributed anything,

or made any promise in the nature of a bribe to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company, or person, for any vote or influence I may give or withhold, on any bill, resolution, or appropriation, or for any other official act." This oath shall be administered by a judge of the supreme, district, or county court, in the hall of the house to which the member is elected, and the secretary of state shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and any member who shall be convicted of having sworn falsely to, or of violating his said oath shall forfeit his office, and thereafter be disqualified from holding any office of profit or trust in this state.

Section 12. Each house shall keep a journal of its proceedings and publish them (except such parts as may require secrecy), and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal. All votes in either house shall be viva voce. The doors of each house and of committees of the whole shall be open, unless when the business shall be such as ought to be kept secret. Neither house shall, without the consent of the other, adjourn for more than three days.

Section 13. Any bill may originate in either house of the legislature, except bills appropriating money, which shall originate only in the house of representatives; and all bills passed by one house may be amended by the other.

Section 14. The enacting clause of a law, shall be: "Be it enacted by the legislature of the State of Nebraska;" and no law shall be enacted except by bill. No bill shall be passed unless by the assent of a majority of all the members elected to each house of the legislature; and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays shall be entered upon the journal.

Section 15. Every bill and concurrent resolution shall be read at large on three different days, in each house; and the bill, and all amendments thereto, shall be printed before the vote is taken upon its final passage. The presiding officer of each house shall sign in the presence of the house over which he presides, while the same is in session, and capable of transacting business, all bills and concurrent resolutions passed by the legislature.

Section 16. Members of the legislature, in all cases except treason, felony, or breach of the peace, shall be privileged from arrest, during the session of the legislature and for fifteen days next before the commencement and after the termination thereof.

Section 17. No person elected to the legislature shall receive any civil appointment within this state, from

the governor, the governor and senate, or from the legislature, during the term for which he has been elected; and all such appointments, and all votes given for any such member for any such office or appointment shall be void, nor shall any member of the legislature or any state officer be interested either directly or indirectly in any contract with the state, or any county thereof, authorized by any law passed during the term for which he shall have been elected; or within one year after the expiration thereof.

Section 18 The house of representatives shall have the sole power of impeachment, but a majority of all the members elected must concur therein All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence When the governor of the state is tried, the chief justice shall preside. No person shall be convicted without the concurrence of two thirds of the senators elected; but judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, profit, or trust under this state, but the party impeached, whether convicted or acquitted shall nevertheless be liable to prosecution and punishment according to law No officer shall exercise his office after he shall have been impeached and notified thereof, until he shall have been acquitted.

Section 19 The legislature shall not pass local or special laws in any of the following cases, that is to say: for granting divorces; changing the names of persons or places; laying out, opening, altering and working roads or highways; vacating roads, town plats, streets, alleys and public grounds; locating or changing county seats; regulating county and township affairs; regulating the practice in courts of justice, regulating the jurisdiction and duties of justices of the peace, police magistrates and constables; providing for changes of venue in civil and criminal cases, incorporating cities, towns, and villages, or changing or amending the charter of any town, city or village; providing for the election of officers in townships, incorporated towns, or cities; summoning and impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening and conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors, or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges, remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage, or allowances of public officers, during the term for which said officers are elected or appointed changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks, or amending existing charters for such purposes; granting to any corporation, association or individual any special or exclusive privileges, immunity or franchise whatever In all other cases where a general law can be made ap-

lieutenant governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney general and commissioner of public lands and buildings, who shall each hold his office for the term of two years from the first day of January next after his election, and until his successor is elected and qualified. Provided, however, that the first election of said officers shall be held on the Tuesday succeeding the first Monday in November, 1871, and the officers then elected shall each hold his office for the term of one year, and until his successor is elected and qualified. They shall, except the lieutenant governor, reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

Section 2. The treasurer shall be inelegible to the office of treasurer for two years next after the expiration of two consecutive terms for which he was elected.

Section 3. The officers of the executive department shall, after the first election hereinbefore provided for, be elected at the general election for members of the house of representatives to be held in the year 1872, and every two years thereafter, at such times and places as may be prescribed by law.

Section 4. The returns of every election for the above named officers shall be sealed up and transmitted, by the returning officers, to the secretary of state, directed to the speaker of the house of representatives, who shall, immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the legislature, who shall for that purpose assemble in the hall of the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal, and the highest number of votes, the legislature shall by joint ballot choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the legislature, by joint ballot, in such manner as may be prescribed by law.

Section 5. No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of twenty-five years, and been for two years next preceding his election a citizen of the United States and of this State. Neither the governor, lieutenant governor, auditor of public accounts, secretary of state, commissioner of public lands and buildings, superintendent of public instruction, nor attorney general, shall be eligible to any other office during the period for which he shall have been elected.

Section 6. The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

Section 7. The governor shall, at the commencement of each session, and at the close of his term of office,

and whenever the legislature may require, give to the legislature information by message of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall account to the legislature, and accompany his message with a statement of all moneys received and paid out by him, from any funds subject to his order, with vouchers, and at the commencement of each regular session present estimates of the amount of money required to be raised by taxation for all purposes.

Section 8. The governor may, on extraordinary occasions, convene the legislature by proclamation, stating therein the purpose for which they are convened, and the legislature shall enter upon no business except that for which they were called together

Section 9. In case of a disagreement between the two houses, with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the legislature to such time as he thinks proper, not beyond the first day of the next regular session.

Section 10. The governor shall nominate, and, by and with the advice and consent of the senate, (a majority of all the senators elected concurring by yeas and nays) appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the legislature.

Section 11. In case of a vacancy during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office, and any person so nominated, who is confirmed by the senate (a majority of all the senators elected concurring by yeas and nays) shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the senate, shall be again nominated for the same office at the same session, unless at the request of the senate, or be appointed to the same office during the recess of the legislature.

Section 12 The governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant, and fill the same as herein provided in other cases of vacancy.

Section 13 The governor shall have the power to grant reprieves, commutations and pardons, after conviction, for all offences except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence,

until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the reprieve, commutation or pardon. In cases of conviction upon impeachment the legislature may remit so much of the sentence as shall disqualify the convicted person from holding office.

Section 14. The governor shall be commander in chief of the military and naval forces of the state (except when they shall be called into the service of the United States) and may call out the same to execute the laws, suppress insurrection, and repel invasion.

Section 15. The governor and all civil officers of this state shall be liable to impeachment for any misdemeanor in office.

Section 16. Every bill passed by the legislature, before it becomes a law, and every order, resolution or vote to which the concurrence of both houses may be necessary (except on a question of adjournment) shall be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections, to the house in which it shall have originated, which house shall enter the obj tions at large upon its journal, a proceed to reconsider the bill. then two thirds of the memb elected agree to pass the same, shall be sent together with the jections to the other house, by wh it shall likewise be reconsidered, s if approved by two-thirds of members elected to that house, shall become a law notwithstand the objections of the governor. I in all such cases the vote of e house shall be determined by y and nays to be entered upon the jo nal. Any bill which shall not be turned by the governor within days (Sundays excepted) after shall have been presented to h shall become a law in like man as if he had signed it; unless legislature by their adjournm prevent its return; in which case shall be filed with his objections the office of the secretary of sta within five days after such adjou ment, or become a law.

Section 17. In case of the dea impeachment to the senate and n tice thereof to the accused, failure qualify, resignation, absence fr the state, or other disability of t governor, the powers, duties a emoluments of the office for the re due of the term, or until the disab ity shall be removed, shall devol upon the lieutenant governor.

Section 18. The lieutenant gove nor shall be president of the se ate and shall vote only when t senate is equally divided.

Section 19. If there be no lie tenant governor, or if the lieutena

governor shall, for any of the causes specified in section 17 of this article, become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled or the disability removed, and if the president of the senate, for any of the above named causes, shall become incapable of performing the duties of governor the same shall devolve upon the speaker of the house of representatives

Section 20. The commissioner of public lands and buildings the secretary of state, treasurer and attorney general, shall form a board, which shall have general supervision and control of all the buildings grounds and lands of the state, the state prison, asylums, and all other institutions thereof, except those for educational purposes, and shall perform such duties, and be subject to such rules and regulations as may be prescribed by law

Section 21. If the office of auditor of public accounts, treasurer secretary of state, attorney general, commissioner of public lands and buildings or superintendent of public instruction shall be vacated by death resignation or otherwise, it shall be the duty of the governor to fill the same by appointment and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law An account shall be kept by the officers of the executive department and of all the public institutions of the state, of all monies [moneys] received or disbursed by them severally from all sources, and for every service performed, and a semiannual report thereof be made to the governor, under oath, and any officer who makes a false report shall be guilty of perjury and punished accordingly

Section 22. The officers of the executive department and of all the public institutions of the state shall, at least ten days preceding each regular session of the legislature, severally report to the governor, who shall transmit such reports to the legislature, together with the reports of the judges of the supreme court of defects in the constitution and laws, and the governor or either house of the legislature may at any time require information, in writing under oath, from the officers of the executive department and all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices

Section 23. There shall be a seal of the state, which shall be called the "Great Seal of the State of Nebraska," which shall be kept by the secretary of state, and used by him officially as directed by law.

Section 24. The officers named in this section shall receive for their services a salary and they shall not, after the expiration of the terms of those in office at the adoption of this constitution, receive to their own use any fees costs, perquisites of office or other compensation, and all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the

constitution shall be paid in advance into the state treasury. The salary of the governor shall be three thousand dollars. The salaries of the secretary of state, of the auditor of public accounts, of the superintendent of public instruction, of [the] treasurer, commissioner of public lands and buildings, and attorney general shall each be two thousand dollars. The lieutenant governor shall receive twice the compensation of a senator. Provided, that at the expiration of five years from the adoption of this constitution, and every five years thereafter, the legislature may by general law, readjust the said salaries; but the salaries of the officers named in this section shall not be increased or diminished during their official terms.

Section 25. An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency for a temporary purpose, which ceases when that purpose is accomplished.

Section 26. All civil officers, except members of the legislature and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmative:

I do solemnly swear (or affirm) that I will support the constitution of the United States, the constitution of the state of Nebraska, and that I will faithfully and impartially discharge the duties of the office of —— to the best of my ability; and that I have not, directly or indirectly, paid or contributed anything, or made any promise in the nature of a bribe to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person for any official act. Any officer refusing to take the oath herein prescribed, shall forfeit his office, and after conviction of having sworn falsely to, or of violating his said oath shall forfeit his office and shall be disqualified from holding any office of trust or profit in the state. No other oath, declaration or test shall be required as a qualification.

Section 27. The officers mentioned in this article shall give bonds in double the amount of money which may come into their hands, with such provisions as to sureties and the approval thereof, and for the increase of the penalty of such bonds as may be prescribed by law.

Section 28. No other executive state office shall be created.

ARTICLE V.

The Judicial Department.

Section 1. The judicial power of this state shall be vested in a supreme court, district courts, county courts, justices of the peace, police magistrates, and in such other courts

inferior to the district courts as may be created by law for cit es and incorporated towns.

Section 2 The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum or to pronounce a decision It shall have original jurisdiction in cases relating to the revenue, civil cases in which the state shall be a party, mandamus, quo warranto, habeas corpus and such appellate jurisdiction as may be provided by law.

Section 3. At least two terms of the supreme court shall be held in each year at the seat of government

Section 4 The judges of the supreme court shall be elected by the electors of the state at large, and their terms of office, except of those chosen at the first election as hereinafter provided, shall be six years

Section 5 The judges of the supreme court shall, immediately after the first election under this constitution, be classified by lot, so that one shall hold his office for a term of two years, one for the term of four years, and one for the term of six years

Section 6. The judge of the supreme court having the shortest term to serve, not holding his office by appointment, or election to fill a vacancy, shall be the chief justice and as such shall preside at all terms of the supreme court, and in case of his absence, the judge having in like manner the next shortest term to serve shall preside in his stead

Section 7 No person shall be eligible to the office of judge of the supreme court, unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this state at least three years next preceding his election

Section 8 The supreme court shall appoint a reporter, and a clerk of said court, who shall hold their office respectively for the term of three years, subject to removal by the court, and whose duties shall be prescribed by law.

Section 9 The district courts shall have original jurisdiction in all cases of law and equity; and such appellate jurisdiction as is or may be provided by law.

Section 10 The state shall be divided into five judicial districts, in each of which shall be elected one judge, who shall be judge of the district court therein; and whose term of office shall be four years.

Until otherwise provided by law, said districts shall be as follows:

First District. The counties of Richardson, Nemaha, Johnson, Pawnee, Gage, Saline, and Jefferson.

Second District The counties of Otoe, Cass, Lancaster, Saunders, Seward, and Butler.

Third District The counties of Douglas and Sarpy

Fourth District. The counties of Washington, Burt, Dodge, Cuming, Colfax, Stanton, Madison, Wayne, Dakota, Dixon, Cedar, Pierce, Antelope, L'Eau Qui Court, and the counties and territory lying due west of L'Eau Qui Court.

Fifth District. The counties of Platte, Boone, Greeley, Howard, Hall, Merrick, Polk, York, Fillmore, Thayer, Nuckolls, Clay, Hamilton, Adams, Webster, Franklin, Kearney, Harlan, Buffalo, Sherman, Dawson, Lincoln, Cheyenne and all other counties and territory not included in any other district.

Section 11. The legislature, whenever two-thirds of the members elected to each house shall concur therein, may, in the year one thousand eight hundred and seventy-five and every five years thereafter, increase the number of judges of the district courts, and the judicial districts of the state. Such districts shall be formed of compact territory, and bounded by county lines; and such increase or any change in the boundaries of a district, shall not vacate the office of any judge.

Section 12. The judges of the district courts may hold courts for each other, and shall do so when required by law.

Section 13. The judges of the supreme court shall each receive a salary of $3,500, and the judges of the district court shall each receive a salary of $2,500 per annum, payable quarterly, until otherwise provided by law; and after said salaries shall be fixed by law they shall not be increased or diminished during the terms for which said judges shall be respectively elected.

Section 14. No judge of the supreme court or district court shall receive any other compensation, perquisite or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments, nor shall any salary or other compensation be paid by the state to any county judge.

Section 15. There shall be elected in and for each organized county one judge, who shall be judge of the county court of such county, and whose term of office shall be two years.

Section 16. County courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians and settlement of their accounts; in all matters relating to apprentices; and in proceedings for the collection of taxes and assessments; and such other jurisdiction as may be given by general law. Provided, that in counties having a population of not less than three thousand the legislature may confer upon said courts jurisdiction in sales of real estate on execution, and by executors, administrators, and guardians; but they shall not have jurisdiction in criminal cases in which the punishment may exceed six months imprisonment or a fine of over five hundred dollars; nor in actions in which the title to real estate is sought to be recovered, or may be drawn in question; nor in actions on mortgages or contracts for the conveyance of real estate; nor where the debt or sum claimed shall exceed five hundred dollars.

Section 17. Appeals to the district courts from the judgments of county courts shall be allowed in all criminal cases, on application of the

defendant; and in all civil cases, on application of either party, in which the amount in controversy shall exceed twenty-five dollars and in such other cases as the legislature may provide.

Section 18. Justices of the peace, and police magistrates shall be elected in and for such districts, and have and exercise such jurisdiction as may be provided by law. Provided, that no justice of the peace shall have jurisdiction of any civil case where the amount in controversy shall exceed one hundred dollars, nor in a criminal case when the punishment may exceed three months imprisonment, or a fine of over one hundred dollars, nor in any matter wherein the title or boundaries of land may be in dispute.

Section 19. All laws relating to courts shall be general, and of uniform operation and the organization, jurisdiction, powers, proceedings and practice of all courts of the same class, or grade, so far as regulated by law, and the force and effect of the proceedings judgments and decrees of such courts, severally, shall be uniform.

Section 20. The legislature may for cause entered on the journals, upon due notice, and opportunity of defense remove from office any judge of the supreme or district court, upon concurrence of three-fourths of all the members elected to each house. All other officers in this article mentioned shall be removed from office on prosecution and final conviction for misdemeanor in office, in such manner as may be provided by law.

Section 21. All judges of courts of record inferior to the supreme court shall, on or before the first day of June of each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest, and the judges of the supreme court shall, on or before the first day of January of each year, report in writing to the governor such defects and omissions in the constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. The judges of the several district courts shall report to the legislature at each regular session the number of days they have held courts in the several counties composing their respective districts during the preceding year.

Section 22. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall respectively reside in the district, county or precinct for which they shall be elected or appointed. The terms of office of all such officers, when not otherwise prescribed in this article, shall be two years. All officers, when not otherwise provided for in this article, shall perform such duties and receive such compensation as may be provided by law.

Section 23. In case the office of any judge of the supreme court or of any district court shall become

exclusively to the use and support of common schools in the respective subdivisions where the same may accrue, and the purchase of suitable libraries and apparatus therefor.

Section 5. The legislature shall provide by law for the establishment of district schools which shall be as nearly uniform as practicable, and such schools shall be free, and without charge for tuition, to all children between the ages of five and twenty-one years.

Section 6. Provision shall be made by law for the equal dsitribution of the income of the fund set apart for the support of common schools, among the several school districts of the state, in proportion to the number of children and youth resident therein, between the ages of five and twenty-one years, and no appropriation shall be made from said fund to any district for the year in which a school shall not be maintained at least three months.

Section 7. No university, agricultural college, common school or other lands, which are now held or may hereafter be acquired by the state for educational purposes, shall be sold for less than seven dollars per acre.

Section 8. All funds belonging to the state for educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds held by the state, and the state shall supply all losses thereof that may in any manner accrue, so that the same shall remain forever inviolate and undiminished; a such funds, with the interest and come thereof, are hereby solem pledged for the purposes for wh they are granted and set apart, a shall not be transferred to any otl fund for other uses.

Section 9. The general gove ment of the university of Nebra shall, under the direction of the l islature, be vested in a board of gents to be styled the board of gents of the university of Nebras one member of which shall be elec in each judicial district by the el tors thereof. Their duties, pow and term of office shall be prescri by law; and they shall receive compensation, but may be re bursed their actual expenses incur in the discharge of their duties.

Section 10. Schools for the ben of the deaf and dumb and the bl shall be fostered and supported.

Section 11. The supervision public instruction shall be vested the state superintendent of public struction and such other officers the legislature shall provide.

Section 12. The secretary of sta treasurer, attorney general, and co missioner of public lands and buil ings shall constitute a board commissioners, for the sale, leasin and general management of all lan and funds set apart for education purposes and for the investment school funds, in such manner as m be prescribed by law.

Section 13. No sectarian instru tion shall be allowed in any scho

or institution supported in whole or in part by the public funds set apart for educational purposes, nor shall the state accept any grant, conveyance or bequest of money, lands or other property, to be used for sectarian purposes.

ARTICLE VIII.

Revenue and Finance.

Section 1 Taxes may be rightfully and equally levied upon the property of the citizens to insure the protection of life, the security of person, property, and character; and to attain these objects the legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property, such value to be ascerta ned by some person or persons to be elected or appointed in such manner as the legislature shall direct, and not otherwise, but the legislature shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants showmen, jugglers, innkeepers, grocery keepers, liquor dealers, toll bridges, ferries insurance telegraph and express interests or business, venders of patents, and persons or corporations owning or using franchises and privileges in such manner as it shall from time to time, direct by general law, uniform as to the class upon which it operates.

Section 2. The specification of the objects and subjects of taxation shall not deprive the legislature of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxat on fixed in this constitution.

Section 3. The property of the state, counties and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, public cemetery and charitable purposes, the buildings and grounds belonging to and used by any religious society for religious purposes to the value of five thousand dollars, may be exempted from taxation, but such exemption shall be only by general law In the assessment of real estate incumbered b, public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property. The legislature may provide that the increased value of lands by reason of l ve fences, fruit and forest trees, grown and cultivated thereon, shall not be taken into account, in the assesement thereof.

Section 4 The legislature shall provide, in all cases when it may be necessary to sell real estate for the nonpayment of taxes or special assessments, for state, county, municipal or other purposes that a return of such unpaid taxes or assessments shall be made to some general officer of the county having authority to receive state and county taxes and there shall be no sale of such prop-

stock held by each, the time of any transfer thereof, and to whom such transfer is made.

Railroads.

Section 10. Every railroad corporation organized or doing business in this state under the laws or authority thereof, or of any other state, shall have and maintain a public office or place in this state for the transaction of its business; where transfers of stock shall be made and in which shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed and by whom, the names of the owners of its stock and the amounts owned by them respectively, the amount of stock paid in and by whom, the transfers of said stock, the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer to be designated by law, of the amount received from passengers and freight, and of all their acts and doings; which report shall include such matters relating to railroads as may be prescribed by law. And the legislature shall pass laws enforcing by suitable penalities the provisions of this section.

Section 11. The rolling stock and all other movable property belonging to any railroad company or coporation in this state shall be liable to execution and sale in the same manner as the personal property of individuals, and the legislature shall pass no law exempting any such property from execution and sale.

Section 12. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place, except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law.

Section 13. Railways heretofore constructed or that may hereafter be constructed in this state are hereby declared public highways, and shall be free to all persons, for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the legislature shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state. The liability of railroad corporations as common carriers shall never be limited, but the same shall be and remain as fixed by the common law.

Section 14. No railroad corporation shall issue any stock or bonds, except for money, labor, or property, actually received and applied to the purposes for which such corporation was created; and all stock, dividends, and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except after public notice for

sixty days, in such manner as may be provided by law.

Section 15. The exercise of the power and the right of eminent domain shall never be so construed or abriged as to prevent the taking by the legislature of the property and franchises of incorporated companies already organized or hereafter to be organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

Section 16. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

Section 17. No county, city, town, township or other municipal corporation shall ever make any donation to or loan its credit in aid of any corporation which has received, or may hereafter receive a grant of land from the United States, or to any railroad corporation which has constructed or shall hereafter construct its road in whole or in part from the proceeds of land grants.

ARTICLE XI

County and Municipal Aid to Corporations.

No city, county, town, precinct, or other municipality, or other subdivision of the state, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donations thereto, or aid in the construction of any railroad or work of internal improvement, owned or controlled in whole or in part by any individual or private corporation or association or create or contract any indebtedness, for any purpose herein specified, unless a proposition to do so shall have been submitted at an election held by authority of law, and three-fifths of the qualified electors voting on said proposition shall be in favor of the same. Such indebtedness, inclusive of any and all similar indebtedness, whensoever created, shall not, at any time, exceed ten per cent of the valuation for taxable purposes of such city, town, county, precinct, or other municipality, or subdivision of the state, contracting such indebtedness, nor shall any aid be given to any railroad company, or for the construction of any railroad, or any indebtedness be created or contracted for such purposes, unless the line of the railroad shall have been definitely located, and shall be specified in the proposition voted upon; nor shall such indebtedness exceed five thousand dollars per mile to any proposed

railroad, nor in any event be payable until such railroad or a part thereof is completed ready for the rolling stock, and only in proportion to the part so completed.

ARTICLE XII.

Miscellaneous Provisions.

Section 1. The capital of this state shall remain at the city of Lincoln, until the year one thousand eight hundred and eighty; and until otherwise provided by a law designating some other place therefor, which shall be submitted to, and be approved by a majority of the electors voting thereon.

Section 2. The legislature shall determine what persons shall constitute the militia of the state, and may provide for organizing and disciplining the same.

Section 3. No person who shall be convicted of the embezzlement or defalcation of the public funds of this state shall ever be eligible to any office of honor, trust, or profit under the same, nor shall any person convicted of felony be eligible to office, unless he shall have been restored to civil rights.

ARTICLE XIII.

Amendments to the Constitution.

Section 1. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives, and, if agreed to by a majority of the members elected to each house, shall be entered upon their journals, with the yeas and nays taken thereon; and the secretary of state shall cause the same to be published weekly for three months immediately preceding the next election, in at least one newspaper in every county in which a newspaper shall be published; and if, in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to, by a majority of the members elected to each house, the secretary of state shall cause the same again to be published for the time, and in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the electors of this state for adoption or rejection at the next election of members of the legislature, in such manner as may be prescribed by law, and, if ratified by a majority of those voting thereon, shall become a part of the constitution. If two or more amendments be submitted at the same time, provision shall be made for taking the vote thereon separately.

Section 2. Whenever two-thirds of the members elected to each house of the legislautre shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter, or amend the constitution, the question shall be submitted to the electors at the next general election. If a majority of the votes cast thereon be for a convention, the legislature shall, at the next session, provide therefor, and shall, in the act calling the convention, designate the day, hour and place of its meeting, fix the compensation of its members and officers, and provide for the

payment thereof and of the expenses necessarily incurred by the convention in the performance of its duties The law submitting the question shall be published for the time, and in the manner provided in the preceding section as to proposed amendments

ARTICLE XIV.

Legislative Apportionment.

Until otherwise provided by law senatorial and representative districts shall be formed, and senators and representatives apportioned thereto, as follows

Senatorial Districts.

District number one shall consist of the county of Richardson, and be entitled to one senator

District number two shall consist of the county of Nemaha, and be entitled to one senator

District number three shall consist of the county of Otoe, and be entitled to two senators

District number four shall consist of the county of Cass, and be entitled to one senator

District number five shall consist of the counties of Saunders and Sarpy, and be entitled to one senator

District number six shall consist of the county of Douglas, and be entitled to three senators

District number seven shall consist of the county of Washington and be entitled to one senator

District number eight shall consist of the county of Dodge, and be entitled to one senator.

District number nine shall consist of the counties of Cuming, Burt and Stanton, and be entitled to one senator.

District number ten shall consist of the counties of Dakota, Dixon, Cedar, L'Eau Qui Court, Antelope, Madison, Pierce, and Wayne, and shall be entitled to one senator.

District number eleven shall consist of the counties of Platte, Colfax, Boone, Merrick, Hamilton, Polk, York, and Butler and be entitled to one senator.

District number twelve shall consist of the counties of Saline, Seward, and Jefferson, and be entitled to one senator.

District number thirteen shall consist of the counties of Johnson and Gage, and be entitled to one senator

District number fourteen shall consist of the county of Lancaster, and be entitled to one senator.

District number fifteen shall consist of the county of Pawnee, and be entitled to one senator

District number sixteen shall consist of the county of Hall and all other counties and territory not included in any other senatorial district, and be entitled to one senator.

Representative Districts.

District number one shall consist of the county of Richardson, and be entitled to four members

District number two shall consist of the county of Nemaha and be entitled to three members

District number three shall consist of the county of Otoe, and be entitled to six members.

District number four shall consist of the county of Cass, and be entitled to four members.

District number five shall consist of the county of Sarpy, and be entitled to one member.

District number six shall consist of the county of Douglas, and be entitled to nine members.

District number seven shall consist of the county of Washington, and be entitled to two members.

District number eight shall consist of the county of Burt, and be entitled to one member.

District number nine shall consist of the county of Dakota, and be entitled to one member.

District number ten shall consist of the counties of Cedar, L'Eau Qui Court, Antelope, Pierce, and Wayne, and be entitled to one member.

District number eleven shall consist of the counties of Madison and Stanton, and be entitled to one member.

District number twelve shall consist of the county of Cuming, and be entitled to one member.

District number thirteen shall consist of the county of Dodge, and be entitled to two members.

District number fourteen shall consist of the county of Colfax, and be entitled to one member.

District number fifteen sh sist of the county of Platte, entitled to one member.

District number sixteen sl sist of the counties of Bu Polk, and be entitled to one

District number seventee consist of the counties of Howard, Sherman, Valley, and Boone, and be entitled member.

District number eighteen s sist of the county of Hall, an titled to one member.

District number nineteen s sist of the county of Pawnee entitled to two members.

District number twenty sl sist of the county of Gage, entitled to one member.

District number twenty-o consist of the county of John be entitled to one member.

District number twenty-t consist of the county of L and be entitled to three mem

District number twenty-th consist of the county of Saund be entitled to two members.

District number twenty-fo consist of the county of Sew be entitled to one member.

District number twenty-fi consist of the county of Sal be entitled to one member.

District number twenty-s consist of the counties of J

and Thayer, and be entitled to one member.

District number twenty-seven shall consist of the county of Lincoln, and be entitled to one member.

District number twenty-eight shall consist of the counties of York, Hamilton, Clay, Fillmore, and Nuckolls, and be entitled to one member.

District number twenty-nine shall consist of the county of Dixon, and be entitled to one member

District number thirty shall consist of the county of Kearney, and all other counties and territory not included in any other representative district, and be entitled to one member.

SCHEDULE

Section 1 That no inconvenience may arise from the revisions and changes made in the constitution of this state, and to carry the same into effect, it is hereby ordained and declared that all laws enacted, to take effect hereafter, and all laws in force at the time of the adoption of this constitution, not inconsistent therewith and all rights, actions prosecutions, claims and contracts of this state individuals or bodies corporate, shall continue to be as valid as if this constitution had not been adopted.

Section 2. All fines, taxes, penalties, and forfeitures due and owing to the state of Nebraska, or to the people thereof, under the present constitution and laws, shall inure to the use of the people of the state of Nebraska under this constitution

Section 3. Recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the state of Nebraska, to the state of Nebraska, to any state or county officer, or public body, shall remain binding and valid, and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of this state

Section 4. All existing courts which are not in this constitution specifically enumerated, and concerning which no other provision is herein made, shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

Section 5. All persons now filling any office or appointment shall continue in the exercise of the duties thereof, according to their respective commissions, elections or appointments, unless by this constitution it is otherwise directed.

Section 6 The district attorneys now in office shall continue during their unexpired terms to hold and exercise the duties of their respective offices in the judicial districts herein created, in which they severally reside. In each of the remaining districts, one such officer shall be elected at the first general election, and hold his office until the expiration of the terms of those now in office.

Section 7 This constitution shall be submitted to the people of the state of Nebraska for adoption or rejection, at an election to be held on

and which are not included in the above exception, shall be elected at the first general election after the adoption of this constitution, and thereafter at the general election next preceding the time of the termination of their respective terms of office.

Provided, that at the first election of the judges of the supreme court, herein provided for, no elector shall vote for more than two candidates for such offices, and the three persons having the highest number of votes shall be declared elected.

Section 13. The terms of office of all state and county officers, of judges of the supreme, district and county courts, members of the legislature, and regents of the university, shall begin on the first day of January next succeeding their election.

Section 14. The present state and county officers, members of the legislature, and regents of the university shall continue in office until their successors shall be elected and qualified.

Section 15. The supreme court, the district courts, and the county courts established by this constitution, shall be the successors respectively of the supreme court, the district courts and the probate courts, having jurisdiction under the existing constitution.

Section 16. The supreme court and the district and the probate courts, now in existence, shall continue, and the judges thereof shall exercise their powers and retain their present jurisdiction until the courts provided for by this constitution shall be organized.

Section 17. All cases, matters and proceedings, pending undetermined in the several courts, and all records, judgments, orders and decrees, remaining therein, are hereby transferred to, and shall be proceeded in and enforced in and by the successors thereof, respectively.

Section 18. If this constitution be adopted, the existing constitution shall cease in all its provisions.

Section 19. The provisions of this constitution, required to be executed prior to the adoption or rejection thereof, shall take effect and be in force immediately.

Section 20. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

Section 21. On the taking effect of this constitution all state officers thereby continued in office, shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this constitution.

Section 22. This constitution shall be enrolled and deposited in the office of the secretary of state, and printed copies thereof shall be prefixed to the books containing the laws of this state, and all future editions thereof.

PROPOSITIONS SEPARATELY SUBMITTED

Liabilities of Stockholders in Banking Companies, Corporations and Associations.

Each stockholder in a banking corporation, company, or association shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to twice the entire amount of his or her respective stock or shares so held, for all its liabilities accruing while he or she remains such stockholder.

Prohibiting County and Municipal Aid to Corporations.

No county, city, town, township or other municipality shall ever become subscriber to the capital stock of any railroad, or private corporation, or make donation to or loan its credit in aid of such corporation Provided, however, that the adoption of this article shall not be construed as affecting the right of any such municipality to make such donation where The same has been authorized under existing laws by a vote of the people of such municipalties prior to such adoption

Compulsory Education and Reformatory Schools.

The legislature may require by law that every child of sufficient mental and physical ability, between the ages of eight and sixteen years, unless educated by other means, shall, in all cases when practicable, attend a public school supported by the common school fund, for some definite length of time each year to be fixed by law, and may establish a school or schools, for the safe keeping, education, employment and reformation of all children under the age of sixteen years, who for want of proper parental care or other cause, are growing up in mendicancy, ignorance, idleness, or vice, which school shall constitute a part of the system of common schools.

Inhibition and License.

The legislature shall provide by general law for submitting to the electors of counties, cities, or towns in the state, the question of "inhibition" or "license" for the sale of intoxicating liquors, and shall prescribe the manner of carrying into effect the will of the people so expressed.

Extension of the Right of Suffrage.

The legislature may extend by law the right of suffrage to persons not herein enumerated, but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election and approved by a majority of all the votes cast on that question at such election

Done in Convention, at the Capitol, in the city of Lincoln, on the nineteenth day of August, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United

sentative to the congress of the United States in the old states is about one hundred and twenty-five thousand, I think." Here Senator Garrett Davis, of Kentucky, interjected the information that the number was one hundred and twenty-seven thousand.

Mr. Foster inquired whether this small population of twenty-five thousand had asked to be admitted as a state; and he thought it very strange if they had. "If twenty-five thousand people in that far-off region are desirous of paying the expenses and bearing the burden of a state government it seems to me wonderful. I should like very much to know how many of the population of that territory have asked to be made a state. For one, I should not wish to impose upon them the burdens of a state government without their asking for it. It will make taxation very heavy to sustain a state government there." And then he probed into the kernel of the scheme: "Some half dozen influential and ambitious men who aspire to be senators and members of the house of representatives and district judges may very easily get up an apparent desire in the population of a territory to be made into a state. But how far, outside of the men who aspire to these offices, does this desire extend? How far does it extend among the mass of the people? Who is it living in a territory that would not prefer to have it continue a territory until it had assumed the size and proportions of a state than to have it prematurely made into a state? Who, except the men who expect to hold these important offices?" The senator insisted that though the population seemed to him altogether too small to be made into a state, yet, if the people of the territory desired admission, he would not oppose it, though he should want, first, to be satisfied beyond a peradventure that the great majority of the people themselves desired the change.

Wade answered the main objection by confession and avoidance. "I believe this territory has as many inhabitants as the other territories that we have already authorized to form a state government." He was, singularly, unaware that the enabling act had been asked for through a memorial by the territorial legislature, and, in reply to Foster's doubts that the people wanted state government, he could only say that "they have a delegate in the other house, who, I suppose, fairly represents their will and their wishes. He was there advising the passage of this bill." Senator Foster again pressed his objection that there was no evidence that the people of the territory wanted state government and that therefore it was, apparently, being pressed upon them. "It seems to me officious, to say the least, for us to pass a bill inviting them to come together and express their views on this question."[44]

44. The record of the proceedings on the bill in the house of representatives appears on page 1167 of the Congressional Globe, 1st session 38th congress, pt. 2. For proceedings in the senate, see the same volume, pp. 1201, 1558, 1607.

THE CONVENTION OF 1864

Governor Alvin Saunders rather mildly presented the familiar arguments for a state government in his message to the ninth general assembly, on the 8th of January, 1864, but he added the suggestion that if Colorado and Nevada, which had asked for state governments, should be admitted and Nebraska left out, "the question would naturally arise in the minds of persons contemplating emigration to any one of the territories named, why was not Nebraska admitted also?" On the 13th of January, A H Jackson, of Dakota county, but editor of The Omaha Nebraskian, a democratic newspaper, introduced council bill number 13, "a joint resolution and memorial to congress, praying for an act enabling Nebraska Territory to become a state," which was read a second time under suspension of the rules and referred to the committee on federal relations, David Butler, of Pawnee county, William A. Little, of Douglas county, Turner M. Marquett, of Cass county The committee reported back a substitute the next day which was passed without roll call It was a curious coincidence that Butler was elected the first governor of the state, Little the first chief justice of the supreme court, and Marquett the first member of the federal house of representatives Little was the only democrat chosen at the first election for prospective state officers, but he died before assuming the office, and Oliver P Mason, his republican opponent, was appointed to fill the vacancy thus created. The committee's pro-state seed did not fall in stony places, but brought forth fruit precisely a hundred fold

On the 16th the bill passed the house by a vote of twenty-four to eleven Only eight of the twenty-four ayes were from the North Platte, and nine of the eleven nays were from that dissenting section.

The enabling act authorized the governor of the territory to order an election on the 6th of June of members of a convention, which should assemble on the 4th of July to frame a constitution, the number of members of the convention to be "the same as now constitute both branches of the legislature" fifty-two Accordingly, on the 2nd of May, Governor Saunders issued a proclamation ordering the election.

The question of adopting state organization was not specifically submitted at the election, as it was in 1860, and the canvass turned on the election of members of the convention who were pledged to adjourn-

ment without forming a constitution, or the contrary. The division was generally along regular party lines, the republicans, then rather thinly disguised under the name "union party," contending for state organization and the democrats against. The anti-state party succeeded, at the outset, in putting their opponents on the defensive, and easily kept them in that attitude. The acrimony of the discussion of the issue was fully up to the standard of political debates of that period. The prematurity of the proposed change, predicated chiefly upon the inability of the people to sustain the increased cost of state government, was the main objection urged against it, and this potent appeal was artfully aided by the charge that covetousness of the tempting official perquisites of statehood was the main motive of the pro-state leaders. The Douglas county democratic convention, held May 28th, adopted the following resolutions which were presented by Andrew J. Poppleton:

Whereas, the pro-state party in this county, backed by official patronage, and stimulated by unscrupulous, greedy seekers after office, are using every endeavor, by false representations, &c., to secure the election of their ticket and thus aid in saddling upon the five thousand taxpayers of this territory (scarcely enough to make a respectable county), scattered over an area of 113,000 square miles, the burden of supporting a state government, therefore,

Resolved, That mass meetings be held in every precinct of this county prior to the day of election of delegates to the constitutional convention for the purpose of bringing the issue fairly before the people, and that a committee be appointed by this convention whose duty it shall be to provide speakers for the occasions, and to give due notice of the times of meeting.

Andrew J. Poppleton, Charles H. Brown, and Clinton Briggs were appointed as such committee.

Resolved, That the delegates to the constitutional convention, just nominated, be instructed to oppose the formation of a state constitution and government, and to favor and make the utmost effort to procure an adjournment sine die, immediately on the assembling of the convention and without any action towards the formation of a state constitution.

"Three times three hearty good cheers were given for the anti-state ticket" at the close of the convention. (The Omaha Nebraskian, June 3, 1864.)

The Nebraskian of June 17 resents the pretension of the Nebraska City News that it deserved the entire credit of defeating state organization; and in support of its dissent the Omaha organ alleges that the first anti-state meeting was held by the democrats of Douglas county on the 7th of May, at which James M. Woolworth, James G. Megeath, Origen D. Richardson, Andrew J. Poppleton and S. J. Goodrich reported a resolution requesting the democratic central committee, which had been called to meet at Plattsmouth on the 12th, to advise democrats to support only such candidates for membership in the convention as would be pledged to adjourn without proceeding to business, and that the central committee acted accordingly. The Ne-

braskian declared, further, that 'there was not one state man elected in our beat, north of the Platte. How is it in yours, Mr News? You have a few state delegates in your diggins have you not?' On the 10th of June the Nebraskian said that 'the entire North Platte are with us," and that Sarpy, Cass, and Otoe were largely anti state In the same paper it appears that the vote for democratic delegates to the convention was as follows William A. Little, 366, Charles H Brown, 365, John A Hall, 365 Alfred H Jackson, 366; Ferdinand Bunn, 366, John Patrick, 337 The union, or pro-state delegates had scanty support John H Kellom, 68, Experience Estabrook, 47, Alex McAusland, 48; Louis A. Walker, 47, O P Hurford, 46, Joel T Griffin, 63, S C Brewster, 47.

The Nebraskian of June 3d contends that though the United States pays two-thirds of the expense of the territorial government the territory can t pay the rest and is now in debt for it over fifty-four thousand dollars. How, then, could it support state government? Bankruptcy would be inevitable under it On the other hand, The Nebraska Republican of the same date argues that the cost of state government, consisting of the expense of the legislature and salaries of officers now paid by the federal government, would be only $12,-180, and it exclaims 'Let it be remembered that the general government has generously proposed to defray the expenses of our constitutional convention ' It appears in the same paper that at a 'union' mass meeting for Douglas county, held at Omaha, May 21st, for the purpose of choosing delegates to the territorial convention to be held at Plattsmouth, General Experience Estabrook spoke in favor of state organization, and "his remarks were forcible and pertinent, and were received with general applause "

The expectant politicians neglected no plausible argument for state organization. In the light of our present knowledge there is irony in the Republican's faith in the salt basin as a source of state revenue 'The salt springs of Nebraska which will come into possession of the new state, would, if properly managed, yield a revenue to the state treasury more than sufficient to meet all the increased expenditures incident to a state government." Subsequent experiments with the salt springs cost private citizens and the state itself large sums of money, and they yielded great disappointment and a merely nominal revenue. This prolific issue of the Republican, forgetful of the adage that consistency is the stumbling block of fools, appealed to it to rebuke a man eminently resourceful in expedients 'Sterling Morton & Co, who were a few years ago clamorous for state organization now oppose it, because they fear that Nebraska may aid in the adoption of the slavery prohibition amendment to the federal constitution How many republicans and union democrats will aid them to uphold the 'divine institution' we shall see "

The Nebraskian (June 24 1864' in an incisive anti state summing up, throws light on the partisan side of the question

The plan was laid at Washington by Abe, [Lincoln] Seward & Co., and the details and execution of the plan were left to Sam Daily, Webster, [Edward D.] and others there and the officials of a lower grade at home. The first step was to pass the enabling act. That feat was done with great unanimity. Abe took snuff and all the clan at Washington sneezed, and as soon as the news came here all the dogs of low degree, 'Tray, Blanch and Sweetheart,' all sneezed. In the county of Douglas forty-six sneezed. On the hypothesis that the people were nobody, they were not consulted nor their rights and interests at all regarded. The law was passed—did Daily do his duty? Did he faithfully represent the people of Nebraska on the floor of congress when the bill was on its transit? Did he like an honest man present the memorial asking congress to give us the privilege of voting yea or nay on the question of having a state government? Not a bit of it. On the contrary he basely betrayed his trust and like an unprincipled and faithless demagogue as he is, he suppressed the memorial and lisped not a word in favor of submitting the question referred to the people. . . . So the law was passed. It was the first act in the drama. In due time it made its appearance here and the second act, the making of the constitution was to be accomplished, and here the people paused. They were now for the first time noticed. They 'with loud acclaim' condemned the entire plan. An overwhelming majority instructed their delegates to vote an immediate adjournment sine die without further action. And now what? This loud, this "deep damnation" by the popular voice is to be ignored and we are to be cheated, swindled into a state after all! And this fraud is to be effected by the shallow quibble that the law binds the convention to make a constitution. No doubt that was intended by the wire-pullers and political jugglers at Washington. But how foolish to suppose they have succeeded. The act enables the people of Nebraska through a convention to form a constitution. It does not say they shall do it, but may. They have said they will do no such thing. Congress, the present one, has in its folly and fanaticism done many silly, absurd, wicked and unconstitutional acts—and under this despotic administration the attempt has been made in some instances to coerce the political action of the people. We would have no objection to see the experiment tried here if such be the design of the wire-pullers. If they suppose they can force the intelligent and plucky voters of Nebraska to make a constitution against their better judgment, we say let them try it.

Brothers of the convention, pay no regard to the wishes or croakings of the cohorts of power. Be not moved from your purpose of adjournment sine die on the first day of the session, as you stand solemnly pledged to do, and you may assure yourselves that your action will be approved by nine-tenths of your fellow citizens.

The territorial convention of the union party, held May 26th, inexplicably dodged the issue which the party leaders sought to make paramount, while the democratic convention, held on the 22d of June, exulted in the rebuke of the "iniquity" with painful prolixity:

"Resolved, That we congratulate the democracy of Nebraska upon the result of the recent election of members of the constitutional convention by which an overwhelming majority stand pledged to adjourn, sine die, on the first day of the session, without proceeding to business. The people are thus saved the expenses of a session of the convention which would have added at least $25,000 to our public debt. An election has been

forestalled at which the money of the administration, poured out like water, would have been employed upon the corruptible, a state government has been declined whose sole benefit of multiplying offices and facilitating public plunder would be dearly purchased by ruinous taxation which would have eaten out the substance of our people, and drafts for the army which would have consumed our population.

"An inquity has been emphatically rebuked which would have constituted 30,000 people the sovereign equals of New York or Ohio or Illinois in order that three electoral votes might be added to the purchase by which a corrupt administration is seeking to perpetuate its power and while we yield all commendation to the independent and truly patriotic members of the republican and other parties, who lent us their aid to thwart these purposes of unqualified infamy it must be remembered that the plan by which these inestimable benefits are assured to us was conceived, carried forward, and accomplished by the democracy of Nebraska

"That we have heard with astonishment that certain federal officeholders in this territory propose, in utter disregard to the popular sentiment expressed with great unanimity at the late election, to persist in their scheme of forcing the burden of a state government upon this people by cunningly devised oaths to be administered to the members of that convention and by an organization of the minority of that body notwithstanding its adjournment by the majority and that such a project and the first suggestion of such a project, by repudiated and debauched politicians, deserves, and will receive the opprobrium, and its authors will meet the fate of revolutionary fanatics, faithless to public duty and defeated in treasonable measures" (The Omaha Nebraskian July 1, 1864)

The committee which presented the resolutions consisted of J. Sterling Morton, chairman, James M Woolworth, John Finney, William H. Spratlin, Dr. George B Graff

But this invective is quite inconsistent with the admonition of the principal pro-state organ.

"Indeed, there is no occasion for the delegates to meet together at the capital at all If it is clear that there is a majority elected, who will oppose the making of a constitution, why not remain at home and let the whole thing go by default Such a course will save the members the amount of their traveling expenses, and no time will be lost If no quorum appear, the matter is settled, and the enabling act goes for naught. We therefore suggest, in all good faith, that the members agree among themselves that they will remain at home. All expense can thus be saved. Why spend two thousand dollars in coming to the capital to adjourn? If the members have to divide the expense among themselves, it will work unnecessary hardship. If they should decide to saddle it upon the taxpayers of Nebraska for whom they have recently evinced such 'tender emotions' it would be cruel, and besides it would have an ugly look There isn't the slightest show that Uncle Sam will 'foot the bill' The only safe course, therefore is to stay at home." (The Nebraska Republican, June 10, 1864)

This advice, though prudent, was disingenuous if not contradictory: for it turned out that the paternal federal government recognized this expenditure as a just liability perhaps because, as we have seen, its own representatives had prompted its occurrence The Republican, of July 15th, contains a letter from Samuel Maxwell to Algernon S Paddock,

secretary of the territory, authorizing him to donate the mileage and per diem due the writer of the letter as a delegate to the convention, to the United States Sanitary Commission, and a reply from Paddock, in appropriately "patriotic" phrase, informed the devotee delegate that the sum of ten dollars and fifty cents had been sent to relieve the needs and sufferings of the soldiers. Those of us whose memories run back to that war period, trying in so many aspects and to so many phases of conscience and character, smile, charitably, at the not quite Christlike ostentatious exhibits, such as these, of solicitude for the welfare of the soldiers at the front by the stay-at-home patriot politicians.

The protest of democratic members of the first or provisional state legislature, of which James M. Woolworth was the putative author, against the counting in of the republican candidates at the provisional state election, gives further information about this final struggle.

"On the 19th of April, 1864, congress passed an act authorizing the people of Nebraska to form a state government. The act provided for an election, in May, of members of a convention which should assemble on the fourth of July, and frame a constitution. This instrument was to be presented to the people, for their adoption or rejection, in October. The act did not provide for taking the sense of the people upon the fundamental question, whether or not they would become a state. But they asked it and answered it, and in this way: In the election for members of the convention, party lines were not drawn. On one side, candidates favorable to state organization were nominated; on the other, candidates who were pledged to vote for an adjournment, sine die, as soon as the convention was organized and before it proceeded to business. The result was, two-thirds of the members elected were favorable to adjourning, and they were elected by very large majorities. For instance, in Douglas, one of the most populous and wealthy counties in the territory, but forty-five votes were cast for state organization. No record of the election was preserved, but we believe the majority was proportionately as large elsewhere as in that county. Accordingly, when the convention assembled on the fourth of July, 1864, it organized by the election of its officers and immediately thereupon adjourned, sine die.

"This emphatic expression of popular will, as was generally supposed, laid state organizat on at rest. At the general election in October, 1865, it was not even suggested. In its platform, adopted at a territorial convention for nominating candidates for auditor and treasurer, the republican party did not mention the subject. The democrats, in a very emphatic resolution, declared against any movement which did not provide for taking the popular vote on that subject, divested of all other issues, and before any step was taken towards framing a constitution. Had it been supposed possible that the territorial legislature would draft a constitution, many men who succeeded in obtaining an election would have failed to receive so much as a nomination. For instance, in the delegation from Otoe county were O. P. Mason and J. B. Bennet of the council, and J. H. Maxon of the house. These gentlemen, after the legislature assembled, showed themselves to be very ardent friends of the scheme for that body making a state of Nebraska. And yet their county rejected their constitution by a majority of over four hundred votes. So, too, the Cass delegation supported the measure, and their county gave a

majority of three hundred and twenty-five against it. Not one of them would have been elected if they had been known to favor state organization.

"But after the election the plan was developed. It was proposed now, for the first time, that the legislature should resolve itself into a convention, draft a constitution, and organize a state government. Conscious that such action was an exercise of powers confided to that body neither by the law nor by the people, the attempt was made to obtain petitions, numerously signed, praying the two houses to perform this extra service. These petitions were in large numbers sent out of the executive office, into all parts of the territory, accompanied by letters urging the parties receiving them to circulate them generally in their neighborhood, obtain signatures and return them. The measure was prosecuted with great energy. Nearly every citizen in the territory was solicited to sign one of these petitions. With all these efforts only about six hundred names were obtained. The attempt to give the scheme the appearance of a popular movement was confessedly abortive so that the petitions were never made an apology for the action of the legislature.

"At the opening of the session, a decided majority of the members of the house were opposed to the measure. Among the republicans, many were determined in their opposition. All the federal officials, Governor Saunders, Chief Justice Kellogg, Secretary Paddock, Indian Superintendent Taylor, and others made a party question of it. It was given out that no man who opposed it could expect or should receive recognition in the party. Meeting after meeting was held and the matter urged by all the eloquence and sophistry possible, while private conversations were converted into private appeals and private bargains. One by one was won over—promises of office and of contracts and yet more tangible influences doing the work. Chief Justice Kellogg, Secretary Paddock, Mr. Mason and two or three others now set themselves to draft the constitution which this legislature should adopt. In the calm and undisturbed retirement of private rooms, and under the protection from interruption, of locks and keys, these gentlemen pursued their work. They produced an instrument suited to their purposes, which the legislature was to adopt at their discretion. Its chief merit was that it provided a cheap government. According to their estimates, its annual expenses would not exceed over twelve thousand dollars. Not a single state officer except the judges, was to receive as much as a hod carrier's earnings. The people it was insisted were able to support a state government but were not willing to pay their officers respectable soldiers' pay for their services. A respectable state government would they argued frighten the people, and they would reject the constitution. A cheap government of cheap men answered the purpose designed, inasmuch as the senators in congress are paid by the United States.

"On the fourth day of February, 1864, their constitution was introduced into the council, accompanied by a joint resolution in these words:

"Resolved, By the council and house of representatives of the territory of Nebraska, That the foregoing constitution be submitted to the qualified electors of the territory, for their adoption or rejection, at an election hereby authorized to be held at the time and in the manner specified in the seventh (7th) section of the schedule of said constitution, and that the returns and canvass of the votes cast at said election be made as in said section prescribed.

"The constitution was not printed for the use of either house. No

amendment was permitted to one of its provisions. A strenuous effort was made to obtain an amendment separating the election upon the adoption or rejection of this instrument from that for state officers; but the decisive answer was, candidates for office under the state organization will support the constitution. The effort therefore failed."

Forty-three delegates appeared at the convention. Whether or not nine others, making the full complement, were elected does not appear from the newspapers, the only known source of information. At any rate, the advice of the Republican to the delegates to stay at home was not much heeded. The annals of the convention are short and simple. It met at the capitol, and was called to order by John Patrick, of Omaha. The committee on credentials consisted of Alfred H. Jackson, of Douglas county; Cornelius O'Connor, of Dakota; Charles F. Walther, of Richardson; Jefferson B. Weston, of Gage. Sterling P. Majors (father of Thomas J. Majors), of Nemaha, was temporary president, and Edwin A. Allen, of Washington, temporary secretary. On the informal ballot for permanent president, John Patrick received twenty votes; Sterling P. Majors, ten; John W. Chapman, nine; John Finney, one. Majors was elected on the first formal ballot, receiving twenty-three votes against twenty cast for Patrick. Algernon S. Paddock, secretary of the territory, administered the oath of office to the members. Immediately after organization was completed Jackson, of Douglas, offered the following resolution:

"Resolved that this convention adjourn, sine die, without forming a constitution."

Thirty-seven votes were cast f
the resolution and seven against
whereupon the convention adjourn
Following are the names of the de
gates:

Richardson county, Charles
Walther, James Holcomb, James
Leverett, Eugene H. Johnson, Oli
P. Bayne; Pawnee, Charles W. (
dings; Pawnee, Gage, Johnson, (
and Jones, Jefferson B. Weston,
Herman M. Reynolds; Nema
Daniel C. Sanders, Charles G. Dor
Rev. William S. Horn, Sterling
Majors; Otoe, Frederick Beysch
William McLennan, Dr. Frede
Renner, Lewis D. Laune, Ro
Campbell, T. James Fitchie, Ja
Sweet; Cass, John W. Chapn
Samuel Maxwell, Lawson Shel
Robert D. Hoback, Dr. Henry B
ford; Sarpy, John Q. Goss; Sarpy
Dodge, John Finney; Douglas,
liam A. Little, John Patrick, Al
H. Jackson, Frederick Drexel, F
erick Bunn, Charles H. Brown, J
A. Hall; Platte, Guy C. Barn
Platte, Hall, Buffalo and Mer
Isaac Albertson; Washington, A
ham Castetter, Elias H. Clark; W
ington, Burt, and Cuming, Will
Kline; Dakota, Dr. George B. Gr
Dakota, Cedar, Dixon and L'Eau
Court, Cornelius O'Connor, Lean
Davis; Dixon, Cedar and L'Eau
Court, Walter C. Heyden; Pla
Monroe, Merrick, Hall, Buffa
Kearney, Jason Parker.

The nine lacking members w
due from the following district
Johnson county, 1; Lancaster.
Clay, Lancaster, Seward, and Sau
ders, 1; Saline, Butler, Lincoln, a
Kearney, 1; Sarpy, 1; Dodge, 1; Bu
and Cuming, 1; Cass, Lancaster, S
line and Seward, 1; Nemaha, 1.

The boundary of L'Eau Qui Cou
county was first defined by act of t
legislature, Febraury 10, 1857. T

name of the county was changed to Knox by the act of February 21, 1873, effective April 1. The original north, east, and south boundaries have been retained to the present time. The original west boundary was formed by the Verdegris and Niobrara rivers. The original east boundary was "a line drawn due south from a point in the main channel of the Missouri river ten miles westward, by the river, from a point in Nebraska opposite the mouth of the James river."

By the act of January 13, 1860, this boundary was defined as the west boundary of Cedar county, the line between range 1 and range 2, west of the sixth principal meridian—which was the same, or approximately the same as the first boundary, and the line between range 8 and range 9, west, was made the west boundary. But, according to this act as it was incorporated in the General Statutes of 1873, (p. 218) the west boundary ran southward from the Missouri river, along the main channel of the Niobrara river, to a point where the dividing line between range 8 and range 9, west, intersected the same. This left out the projection of the old Ponca reservation between the Niobrara and Missouri rivers, which was apparently overlooked by the act of 1860. By the act of April 24, 1883, the Indian title having been relinquished in the meantime, the western boundary of 1860—the line between ranges 8 and 9—was restored.

Monroe county was created by the act of January 26, 1856. Its east boundary was in line with the present east boundary of Polk county, its south boundary, the fourth standard parallel, its southeast corner touching the Platte river; its west and north boundaries were identical with the present corresponding boundaries of Platte county. With the exception of the part—township 17 and a fraction of township 18, range 4, west—included in the Pawnee reservation, which was set off on the 24th of September, 1857, it was annexed to Platte county by the act of January 6, 1860; and it constitutes all of Platte county except the irregular tract between the fourth standard parallel and the Platte river.

CONSTITUTION OF 1866

Notwithstanding the rude repulse of 1864, Governor Saunders continued rather timidly to coy with and coddle the elusive object of ambitious political desire in his message to the legislative assembly of 1865; and he worked into this wooing an altruistic patriotic plea that the people of the territory ought to relieve the mother government from her great financial burden, due to the war, to the extent of establishing a self-supporting state government:

During your last session a joint resolution was passed, asking congress to pass an act to enable the people of Nebraska to form a constitution preparatory to an early admission into the Union as one of the independent states. Congress passed the act, but it was done near the close of the session, and there was scarcely time enough allowed, between the date of the reception of the bill in the territory and the election of the members of the convention, for the people to learn of its passage—certainly not enough to enable them to consider, thoroughly and dispassionately, the principles of the bill or the terms on which it was proposed to admit the territory into the family of states. Under these circumstances, a large majority of the people decided that the members of the convention should adjourn without forming or submitting any constitution whatever. This decision of the people, under the circumstances, was just what might have been anticipated. It, however, is no proof that when convinced that liberal terms are proposed by the general government they would not readily consent to take their place in the great family of states. One of the great and leading objects of forming territorial governments is to take the first step towards making a state. This is doubtless the object and aim of all territories.

The strongest argument used against the admission into the union, by those who opposed it, is perhaps the last one that should be resorted to by the friends of our government. I allude to the argument that we ought not to tax ourselves for anything which the general government is willing, or is bound to pay. In other words, that, so long as the general government is willing to pay the expenses of the territory, so long the people should refuse to change their form of government. All parties are, I presume, ready to admit that our government has quite as much as it can well do to maintain itself against its wicked enemies who are trying to overthrow it; and it seems to me that all loyal and union-loving people would be willing to assist in bearing their proper burdens; at least, that they should not longer insist on drawing from the general government that which we might provide for ourselves. Your own knowledge of the wishes of the people—being fresh from their midst—will enable you to decide whether or not the people would desire any further action at present on this subject. I shall therefore leave the

whole subject with you, believing that you will decide the matter in accordance with their wishes. (House Journal 1865, p. 18.)

These renewed but timid advances were not reciprocated, and no measure for reviving the issue was introduced into either house. By the next year, however, the statehood desire had revived in republican, and found lodgment in some democratic breasts.

On the 5th of February, John R. Porter, of Douglas county, introduced council file number 22, "a joint resolution submitting a constitution for a state government to the people for their approval or rejection," the election to be held on the second day of June, 1866, and conducted in the same manner as elections for territorial officers.

After the second reading the resolution was referred to a special committee consisting of John B. Bennet, of Otoe county, John R. Porter, of Douglas, John W. Chapman, of Cass, and, on the same day the committee recommended the passage of the resolution. After some filibustering and an attempt to amend the judiciary article of the constitution, the resolution was read a third time, under suspension of the rules, and passed by a vote of seven to six. Those voting aye were Bennet, of Otoe county; Chapman, of Cass; Thomas L. Griffey, of Dakota, Andrew S. Holladay of Nemaha, J. G. Miller, of Cass, Oliver P. Mason, of Otoe, John R. Porter of Douglas. Those voting nay were Isaac Albertson, of Platte, Edwin A. Allen, of Washington, Corrington Blanchard, of Sarpy; George Faulkner, of Richardson; Benjamin E. B. Kennedy, of Douglas; Jeremiah McCasland of Pawnee.

In the house there were unsuccessful attempts to obstruct the passage of the resolution, but it was passed on the 8th of February by a vote of 22 to 16. The assumption of statehood was again opposed on the ground that the additional expense of a state government was unnecessary and would be oppressive. On the other hand the section south of the Platte favored state government on the ground that under territorial government the north of the Platte section, and especially Omaha, because it contained the capital, was able to procure undue governmental favors, while, under a purely local state government, the south Platte section having a preponderance of the population, would come into control. And so, of the twenty two affirmative votes, only seven were cast by north Platte members while, of the sixteen negative votes, nine were by north Platte members.

On the 26th of January, Charles H. Brown, a democratic leader, of Douglas county, introduced into the house the following fiery preamble and resolution.

'Whereas, certain official politicians have assiduously sought, through specious arguments, to create a sentiment in favor of and induce the people to change their simple and economical form of government, which heretofore has been and now is a blessing for one which will have many new, useless and burdensome offices to be filled by persons ambitious to occupy places of profit and trust, even at the expense of the tax-

popularize the state movement by the most debasing arts of desperate demagogues, manifesting thereby a consciousness of their inability to meet the friends of state in an open and fair field fight; that this mode of warfare was in character with the man who led the opposition. He also said that the investigation had proven that offers were made to state men that if they would vote to divide the election of the officers and the submission of the constitut'on, that the opponents would vote for a bill of considerable importance, in which some of the state men were interested—a bill for the incorporation of the Missouri Colonization Society. Mr. Crounse further said that the testimony when fairly reviewed established the fact that no means, even of the most desperate resort, were to be spared in the contest against state; that it was only for the purpose of blinding and misleading the people that the investigation had been concocted; that they hoped to unpopularize the state movement by diverting the minds of the people from the matchless fundamental law presented for their consideration with its economical provisions for the administration of the state government, and the development of the resources of the country, and the advancement of all the material interests of the people, for whom it was framed and from whom it must receive its vitality, by dastardly attacks upon the character of some of its friends.

"Mr. Brown replied by denying that such was the purpose of its opponents. The house then adopted the minority report made by Mr. Crounse."

The minority report follows:

"The undersigned, a minority of the committee appointed by the chair to investigate charges of bribery and corruption made in relation to the passage of the joint resolution submitting a state constitution to the people of Nebraska, in submitting their report, would premise that, in their opinion, this investigation was instituted by that branch of this house opposed to state organization, urged on by outside politicians with a view to damage personal reputation and by such unfair means defeat the success of state organization if possible. As proof of this we might refer to the following facts which appear in the testimony: One J. Sterling Morton, editor of 'Nebraska City News,' a would-be leader of the democracy of the territory, and active anti-state man before, during and since the submission and passage of [the] joint resolution, has spent most of his time on the floor of this house caucusing with members, drafting buncombe political resolutions for members to introduce in the house, by which its time was occupied to the exclusion of more legitimate and profitable business. The appointment of this committee would seem to have been directed with a view to this end; the very chairman, the Hon. Mr. Thorn, appears, by the evidence, to have been an instrument used by said J. Sterling Morton to introduce a resolution 'blocked out' by him, and directed against state. The Hon. Mr. Brown, as appears by the house journal, was the introducer, if not framer, of another preamble and resolution against state, of a most insulting character, and which was most summarily disposed of by this house.

"The labor of the committee has been to its majority a labor of love: promptly on hand at each session, they have constrained your minority to prolong its sittings beyond midnight at each time, and into Sundays. The majority have summoned witnesses and pursued a course of examination suiting their own notions, without consulting the minority, extending over matters in no way connected with the meaning of the resolution under which they were appointed, but seemingly with no other reference than to discourse

matters which might be distorted into something injurious to state men and their cause

The Hon. Mr. Robertson of Sarpy county, it appears, was one of the instigators of this investigation Too ambitious to put some capital in this enterprise, he came before the committee, and by his first testimony seemed willing to attach the motive of bribery and corruption to a transaction which appears, by the concurrent testimony of several other witnesses, to be a simple business matter By further examination, when placed by his own testimony in the peculiar position of allowing himself to be approached twice or more distinct times with what he was pleased to term an improper offer, without showing any resentment, he chose, on discovery to state it in its true light, and by his own testimony corroborated by that of all the other witnesses called to the same subject, it is shown that what occurred between himself and the Hon Messrs Mason and Bennet, of Otoe county, was purely a business transaction, and that it was not calculated to influence him in his vote, nor so understood by any of the parties

The last testimony taken was that of Mr. Bennet, of the council, who states that Mr Morton aforesaid, during the pendency of the question of submitting the constitution to the people, approached him with a proposition signed by fifteen anti state men, including Messrs Toxbury, Gilmore, Paddock, and others of the house, proposing that if state men would separate the question of state from that of election of state officers, the fifteen would go for the suspension of the rules, and pledge themselves that the bill should not be defeated At the same time Mr Morton promised to secure a like pledge from the anti-state members of the council Whether Mr Morton had at the time a fee simple in and full control over the anti state members of both branches of the legislature, we leave for the members of this body to conclude But it is but justice to Mr Bennet to say that he did not entertain these propositions, but has at all times advocated state organization on principle, and not a subject to be trafficked away.

"The testimony also shows that another anti-state member from Douglas, proposed to Mr. Wallichs, of the house, who was interested in the immigration bill then pending, that if Wallichs would vote as desired on the state question, the democrats of the house would go for the immigration bill As it is shown by the records, Mr Wallichs went for state, and these democrats went against the immigration bill. Mr. Parchen was also approached by another member of the same branch with a like proposition, only the proposer would only pledge his own vote We must add that Mr. Parchen went for state, and the other gentleman went against state, and against the immigration bill also

"But the minority, in their haste to submit this report in the very short time allowed by order of this house, cannot undertake to review the testimony further But enough is shown we think, to convince this body that great effort has been made to defeat the wish of the majority, in the submission of the constitution to the people, and while we can discern much connected with the passage of the bill that is not strictly proper, yet we have failed to discover anything of the character of a direct bribe, or so intended.

"Mr Robertson we consider a gentleman beyond the suspicion of accepting a bribe or being improperly influenced in his action as a legislator The other gentlemen designed to be affected by this inquiry are possessed of too much good sense and discretion to undertake to bribe Mr Robertson, and in this, together with all the testimony, they stand acquitted of any attempt or suspicion

of offering any bribe or inducement to Mr. Robertson, designed to influence his action.

"In conclusion, we can but regret that the opponents of state organization have found it necessary to attempt to direct attention from the true merits of the question in issue, by this unsuccessful effort to assail the motives and character of its friends.

"L. CROUNSE.
"JOSEPH ARNOLD."

The Omaha Weekly Herald (February 9, 1866) denounced Crounse for "getting behind his privilege as a member of the house to assail Mr. Morton;" and it alleged that "six thousand dollars for a state paper were offered one member, a known opponent of state, who declined the tender and laughed to scorn the effort to induce him to violate his sense of right."

The constitution was prepared by a self-appointed committee of lawyers which met for the purpose Experience Estabrook's office in Oı ha,[45] and it based its legitim upon the enabling act of 1864 acknowledged acceptance of terms, notwithstanding that the specifically directed that the con tution should be formed by a vention to be organized accordin its specific prescription. In this t try-out the electors did not vote rectly on the question of adop state organization, but for or aga the constitution. The prop change of government was still popular. Although at the last tion, only a year previous, rep can candidates for territorial o had majorities of six hundred ninety-four and eight hundred fifty-two—with the soldier 2,573, and 3,495—they could only one hundred majority for statehood measure and that doubtfully.[46]

45. Mr. Estabrook said that this committee consisted of nine members and that they were appointed by the sixth territorial legislature in 1866. (See my foot note, 237, volume iii, page 123, History of Nebraska; also p. 511, v. 1, ibid.—Ed.) Judge Lorenzo Crounse said (volume ii, page 211, Nebraska Reports): "As is well known, the constitution was originally drafted in a lawyer's office by a few self-appointed individuals," and Chief Justice Mason, who was one of the committee, acquiesced in Crounse's statement. (Ibid., p. 226.) See volume i, page 511, History of Nebraska, for a more extended account of the preparation of the constitution.—Ed.

46. The statement of the case on the part of the democrats, charging that the constitution and the republican candidates were dishonestly counted in, is published in the History of Nebraska, v. i, pp. 529-536. In the opinion of the court, in the case of Brittle vs. the People (Nebraska Reports, v. ii, p. 214), Judge Lorenzo Crounse said: "A criminal is put upon his trial; and, as a defense, he offers to show that at the June election in 1866 a clear majority voted against the adoption of the constitution, notwithstanding the board of canvassers have declared otherwise I am satisfied that he could make a fair showing in that direction. It is said that a whole precinct in one county was thrown out, where the majority was largely against the constitution: that in another place a large number of soldiers voted in its favor with no pretext of right to do so; and in other respects ularities intervened which might easily come the declared majority of a hund Chief Justice Mason, who, like his conf associate, came into his office by virt the alleged miscount—though indire seemed almost persuaded to endorse the fession: "The history of the admission braska into the Union, given at length b Brother Crounse, may be briefly stated A small number of men, without authori law, drew up the constitution, and the lature provided for its submission to a v the people. At an election held for the pose, a majority voted for the constitu This majority was small; and my br seems anxious to concede that there w majority at all, but that it was only to appear by divers transparent frauds. theless, the canvassers appointed by the lature for the purpose, consisting of th ritorial governor, secretary, and audito clared the vote favorable to the constitut Ibid., p. 226) The averment of the last sen quoted is erroneous. The constitution itsel scribed that the governor (Alvin Saunders territorial attorney (Daniel Gantt), and chief justice of the territory (William Kel should canvass the votes cast for and ag the constitution. The constitution also scribed that the officers named by Justice son should canvass "the election return the governor, secretary of state, auc treasurer, and supreme judges."—Ed.

The present writer has recently described (History of Nebraska, v iii, p 101) the condition and impulses which excused and promoted the movement for a new constitution

The chief care of the compilers of the constitution of 1866 was to make it a password to statehood, and so they craftily contrived that it should resemble the territorial organic act as closely as practicable The judicial system for the state was the exact counterpart of that of the territory there was no change in the number of the members of the legislative houses, the number of executive officers was not increased, and their salaries were kept down nearly to the old beggarly level, and against the emotional sentiment for negro enfranchisement with which the republican party was possessed, its devotees in Nebraska opposed the ancient and reactionary restriction to white suffrage This concession was calculated to weaken or subdue the opposition of the democrats who lacked the stimulus of prospective senatorships and high federal offices which temporarily stifled the principles and stultified the philanthropic professions of the existant republicans

In a communication to the Omaha Weekly Herald July 23, 1875, Experience Estabrook said that the constitution of 1866 was compiled by a committee of nine appointed by the legislature of that year This committee, he said "assembled from time to time at my office, in the court house, and I was permitted to participate freely in its deliberations." It was decided to make the whole instrument as near as possible like the organic act—to meet objections to change to statehood. Hence the same sized legislature and low salaries were determined upon.

But by 1869 the partisan emoluments of the change to statehood had been seized and the dominant Butler faction felt that its new capital, which was an outgrowth of admission, was now established, so that it might safely proceed to enlarge its powers, privileges, and emoluments through a new constitution of broader scope. The malcontents insisted that the state was 'hampered by the want of courts, by the need of proper grades in the judiciary and by the pleayunishness and general meanness that breathes throughout our organic law" Every fourth year two general elections were necessary because the constitution fixed the time of the state election earlier than that of the national election; the supreme court, en banc, "sit on their own decisions" the code "is a conglomerated patchwork it is neither the Ohio nor the New York code, which are radically different from foundation to turret, but is a compromise between the two with a lot of loose rubbish culled from all the rest of the states thrown in" (Nebraska State Journal, June 26, 1869; Daily State Journal, August 22, 1870, ibid., December 19, 1870.)

NOTE The foregoing account of the making of the constitution of 1866 contradicts the misstatement, in volume i, p 70, of this series that there was a convention in 1866 which framed it Ed.

CONVENTION OF 1871

At the third session of the legislature, which began May 16, 1867, Oscar Holden, of Pawnee county, prematurely introduced senate file number 57, "an act to provide for an election preliminary to the calling of a constitutional convention;" but it was indefinitely postponed by the same body. (Senate Journal, 3d session, pp. 145, 189.) At the same session Augustus F. Harvey introduced into the house of representatives house roll number 25, for the same purpose. The bill was rejected by the narrow margin of 15 to 18. Only three of the representatives from the North Platte voted aye, while nine of that section voted nay. (House Journal, 3d session, pp. 109, 140.)

The Nebraska Commonwealth, in its issue of December 5th, 1868, criticized the defects of the constitution. It was faulty in limiting the number of judicial districts and judges to three, for the next six years; it was "entirely inadequate even now." An independent supreme court was indispensable. The salaries of state officers were so paltry as to degrade the state, due to a "picayunish trick, worthy of the democratic wiseacres who perpetrated it." The limitation of the length of the session was objectionable; members were paid for only forty days which was too short a term. Improved means for the creation and regulation of corporations was needed. The partisan editor was not aware, it seems, that republicans were the aggressive promoters of the statehood scheme and that democratic leaders strongly opposed it, or that the democrats did not actually control the legislature which promulgated the constitution. (History of Nebraska, v. i, pp. 509-516; v. iii, p. 41.) The Omaha Herald (weekly) of December 23, 1868, said that revision of the constitution was a very much agitated subject. One desirable change was to raise judicial salaries from "the pitiful sum of $2000."

At the fifth session of the legislature the following joint resolution was adopted:

Resolved by the Senate and House of Representatives of the State of Nebraska, That the electors of the state be, and are hereby authorized and recommended to vote for or against a convention to revise or change the constitution of the state, at the next general election for members of the legislature.

The ballots at such election shall be written or printed as follows:

Those in favor of a convention, "For a Convention;" those against a Convention, "Against a Convention."

Approved February 1, 1869.

The joint resolution—senate file 13½—was introduced into the senate by Charles H Gere, of Lancaster county The original draft read, "those in favor of the convention writing their ballots, For the convention,' those against the convention writing their ballots, 'Against the convention." The amendment specifically permitting a printed ballot and making other minor changes was adopted in committee of the whole The resolution was passed by a vote of ten to one Guy C Barnum of Lincoln county, voted no (Senate Journal, fifth session, pp 94 171, 188) It had an easy road in the house, also, passing by 35 to 2 The two dissenters were Jarvis S Church, of Nemaha county, and Joseph T Hoile of Richardson (House Journal, fifth session, p 261) This incident denoted an era of good feeling remarkable in Nebraska, but it was only a calm preceding a storm

The election was held on the 11th of October, 1870 Of the thirty-seven counties which made returns only fourteen included the vote cast on the question of holding a constitutional convention, but inasmuch as by the terms of the constitution only a majority of the votes cast on the proposal was required to carry it, this scanty expression of opinion sufficed The votes reported aggregated 3,393 for and 979 against a convention (Senate Journal 1871, p 40) It is significant that Lincoln, the seat of the dominant faction of the ruling party, was also the center of the new constitution movement as shown by its vote of 523 for a convention and two against it (Daily State Journal, Oct 12, 1870.) After the regular canvass at a joint convention of the legislature, January 10th, 1871, the presiding officer declared that "a majority of the votes cast were in favor of a constitutional convention." In his message, delivered January 6th, Governor Butler reminded the legislature that the electors, "having at the last general election, decided in favor of holding a convention for the revision of the constitution," it became their duty to provide for the election of members and to designate the time of holding the convention.

Accordingly, on the 26th day of January, house roll 57 was introduced "a bill for an act to provide for calling a convention to revise, alter, or amend the constitution of the state of Nebraska" (House Journal 1871, p 126) On the 30th, Galey, of Lancaster county, reported the bill back from the judiciary committee with amendments, on the 31st, the committee of the whole recommended that it be engrossed for a third reading the next day, on the 2d of February it was read a third time and passed by a vote of 32 to 5 All of those voting nay were from the two chronically restive counties—three from Douglas and two from Nemaha Nemaha defection from the south Platte policy or trend prevented the removal of the capital to that section in 1857 and it caused the rejection of this constitution The bill provided that the convention should be held on the first Tuesday in May that it should comprise thirty-nine members, one from each representative district "as they shall hereafter

be apportioned;" and that the members should be elected on the first Tuesday in April. "An amendment adding thirteen members to be elected at large was defeated by a small majority." (Daily State Journal, Feb. 3, 1871.) The Journal approved the proposal to elect the additional thirteen at large because in that way men of state, rather than mere local reputation could be chosen. In the senate, on the 22d of March, on motion of Hascall, the bill was amended so as to change the date of the meeting of the convention to the second Tuesday in June, and of the election of members of the convention to the first Tuesday in May, and increasing the number of delegates from thirty-nine, corresponding with the number of representatives, to fifty-two, equal to the number of both senators and representatives. Ebenezer E. Cunningham, president of the senate, offered an amendment which authorized and recommended electors "to vote for or against female suffrage at the election for members of the constitutional convention," and provided that "all women above the age of twenty-one years, possessing the qualifications as to citizenship and residence required of male electors under the laws of this state are authorized and recommended to vote on the proposition." The amendment was rejected by a tie. Those voting aye were Leander Gerrard, of Platte county; Isaac S. Hascall, of Douglas; Andrew R. Kennedy, of Sarpy; George P. Tucker, of Johnson; Abel W. Tennant, of Dodge; Ebenezer E. Cunningham, of Richardson. Those voting nay were David Brown and Robert Hawke, of Otoe; B. F. Hilton, of Washington; Frederick Metz, of Douglas; Lawson Sheldon, of Cass; and Edward W. Thomas, of Nemaha. The four democrats—Hascall, Tennant, Hawke and Thomas—divided their votes equally for and against the amendment. Thereupon, twelve senators voted for the passage of the bill. Andrew J. Cropsey, of Lancaster county, did not vote. (Senate Journal, 1871, pp. 379-382.) The house journal fails to record the action of that body on the amended bill; but it was signed by the speaker on the 23d of March and approved by the governor on the 27th. The canvass of the question of adopting the constitution was vigorous and acrimonious. The Nebraska annual conference of the Methodist Episcopal church approved, in a resolution, the principle of the taxation of church property; but, as a rule, church interests combined with commercial corporations against adoption. The Daily State Journal, (January 22, 1873), said: "There were here and there scattered through the instrument certain clauses objectionable respectively to certain classes of our citizens. These clauses were not submitted separately, as they should have been. The railroad influence was against the whole instrument because there was a clause submitted with it that was displeasing to that influence. The church influence was to a great extent turned against it, for the reason that there was a clause for the taxation of churches, and so on to the end of the list of objectionable clauses."

At a public meeting held in Omaha, George B. Lake and Oliver P. Mason,

advocated the adoption of the constitution. Mason defended it stoutly. He insisted that the constitution of 1866 "left not a dollar [of church property] exempt" [from taxation]. All churches were incorporated, and the old constitution provided that all corporations should be taxed, whether now in existence or thereafter to be created. Though a statute contradicted this provision, it would not stand a single hour if contested before any judge of the state. "I tell you this instrument was passed in the interests of the poor. When you used to try railroad cases you used to balance damages against benefits, didn't you? and then you called it square. Well, you can't do that now." By the new constitution, when private property was taken it must be paid for in money; before it was paid for in benefits. The Burlington and Missouri railroad company alone owned land enough in this state to build two lines of railroad through it. Now ought they to take subsidies that belong to weaker lines? "I say, no." (The speaker here referred to a provision against giving publicant to railroads which received land grants from the federal government.) Five years ago, he said, there was not a mile of railroad in the state, now there is nine hundred miles. He asked how much the Northwestern and Southwestern railroad companies were costing Douglas county. A voice cried, "Fifty-four thousand dollars a year."

Andrew J. Poppleton merely expressed his opinion against the adoption of the constitution. John I. Redick made a very specious speech in opposition to the constitution. It abolished the grand jury, the ancient bulwark, etc.; it increased the membership of the legislature and gave it power to add still more members, and increased the pay of members from three dollars, to four dollars a day. It prevented counties from subsidizing railroads. It added an ornamental wall-flower lieutenant governor to the executive officers. It unnecessarily increased the number of judges, inasmuch as the supreme court was already virtually independent because the trial judge of the district court did not sit in the same case in the supreme court. The liability imposed upon shareholders would be fatal to corporations. (Omaha Weekly Herald September 6, 1871.)

The Omaha Bee charged that the Herald was the organ of the corporations in the contest, and it played with its accustomed abandon and sonorousness. Under the lead of Mr. Tipton, United States senator, and the Nebraska Advertiser, Nemaha county was again out of tune with its south Platte environment. The total majority against the constitution was six hundred and forty-one. Nemaha county cast two hundred and fifty-nine votes for and nine hundred and twenty-six against it. If this county had kept approximately in line with its section, the constitution would have been adopted. Tipton was both preacher and politician, and his parson proclivities perhaps account for his defection. The strong democratic counties were hostile to the new constitution. The vote of Dakota, Platte, and Sarpy was almost wholly, and that of Dodge strongly against it. The sectional alignment

was marked. The north Platte cast 4,932 against adoption and 2,068 for; the south Platte, 5.918 for, 3,695 against. Eighteen of the twenty-two north Platte counties gave majorities against, and ten of the sixteen south Platte counties for adoption. The article and sections which were separately submitted fared worse than the embodied instrument. The vote on those five propositions was as fo lows: liability of stockholders, 7,4 for, 8,580 against; prohibiti municipal aid to corporations, 6,6 for, 9,549 against; compulsory ed cation, 6, 289 for, 9,958 against; s mission of prohibition propositi 6,071 for, 10,160 against; wor suffrage, 3,502 for 12,496 again

47. Following is the vote by counties as reported by the special board of canv appointed by the constitution, namely, the president of the convention—Silas A. Strickl the secretary of state—William H. James—, the state auditor—John Gillespie.

COUNTIES	Vote on Constitution For	Ag'nst	Liabilities of St'kh'ld'rs For	Ag'nst	Aid to Corporations For	Ag'nst	Compulsory Education For	Ag'nst	Prohibition or License For	Ag'nst	Exte of Suff For
Buffalo	1	25	1	25	1	25		26		26	4
Burt	70	278	110	224	110	226	101	232	95	239	38
Butler	101	56	120	37	118	39	102	63	109	48	39
Cass	769	241	698	312	553	455	462	545	588	470	312
Cedar	12	156	26	127	7	146	31	122	6	147	9
Cheyenne	45	3	12	34	11	37	38	10	13	35	8
Colfax	90	134	97	127	81	143	106	118	91	133	34
Cuming	210	185	191	204	190	205	124	270	96	299	55
Dakota	11	297	10	298	9	298	13	295	11	297	9
Dawson	6	21			4						4
Dixon	59	152	75	117	76	118	74	118	62	180	35
Dodge	258	450	218	484	221	481	188	514	173	529	118
Douglas	672	549	607	1,646	516	1,741	545	1,714	442	1,815	371
Fillmore	42	---	41	1	39	3	41	1	42		34
Gage	196	209	181	224	157	242	128	273	174	227	73
Hall	90	91	81	67	62	86	74	73	41	106	33
Jefferson	183	27	139	49	139	48	146	50	125	71	57
Johnson	226	360	222	365	240	348	179	416	217	371	181
L'Eau Qui Court	6	23		29		29	6	23	6	23	
Lancaster	1,237	178	1,164	248	987	426	923	497	894	517	543
Lincoln	76	201	67	42	59	157	60	155	59	162	62
Madison	35	124	79	80	65	94	74	85	45	114	27
Merrick	85	58	81	62	76	67	64	79	56	87	37
Nemaha	259	936	273	921	248	946	267	926	257	985	173
Otoe	574	583	510	646	450	705	461	690	464	689	265
Pawnee	242	369	183	396	157	420	140	435	193	382	107
Pierce		30		30		30		30		30	14
Platte	13	329	24	318	14	328	28	314	13	329	25

Soon after the rejection of the constitution its friends began to urge that a special session of the legislature be called for the purpose of reconvening the convention or of directly striking out the most objectionable provisions of the instrument and again submitting it to the people. But the revival scheme awaited the adjourned session of the fourth legislature (of 1871) which convened on the 9th of January, 18 On the second day of the sess Senator Andrew R. Kennedy, rep lican, of Sarpy county, introdu senate file 173, a bill to author the convention to reconvene, and passage was completed the same by a vote of seven to two. Th who voted in the affirmative w Othman O. Abbott, of Hall coun Andrew J. Cropsey, of Lancast

Hascall, Kennedy, Thomas Lynch, of Richardson; George B Scofield, of Otoe, and Tennant. The two negative votes were cast by Lawson Sheldon, of Cass county, and Frederick Metz, of Douglas, both republicans The next day the bill, with an amendment, passed the house by twenty-one to nine, the following day the senate concurred in the amendment, on the 15th Acting Governor James vetoed the bill, on the 17th the senate passed it over the veto by the bare constitutional majority of eight to four, -Cropsey, Hascall, Hilton Lynch Napoleon B Larsh, of Otoe, Scofield Tennant, Tucker, for, Abbott, Metz, Sheldon, Thomas, against — on the 19th the house refused to override the veto by a vote of twelve to twenty-one Those voting aye were John Ahmanson, Thomas F Hall, Edward Rosewater, of Douglas county Enos Beall, of Hall, S B Galey, of Lancaster Isaac Goodwin of Saline, D C Jenkins, of Gage, Herman Rhodes, of Johnson, H C Riordan, of Washington, A Roberts, of Saunders; Henry Schock and William Maddox, of Richardson Those voting against overriding the veto were A C Briggs, of Dodge county; J T Cannon, J M Patterson, John Rouse, F M Wolcott, of Cass, Elam Clark, of Washington; James Clark, of Dakota; George W. Collins, of Gage, J. W Conger, George W. Covell, W E Dillon, Eugene Munn, John Overton, of Otoe, William Daily, S P Majors, De Forest Porter George R Shook, of Nemaha, Charles Duby, Edwin N Grenell, of Sarpy, A. J Hudson of Platte, L S Reed, of Douglas The harmony between Douglas and Lancaster touching this erratic measure excites wonder All but one Reed, of Douglas of the seven members present from the two counties voted to override the veto Only three senators—Hascall Hilton, Tennant from the north Platte voted against the veto and only two—Sheldon and Thomas from the south Platte voted for it Of the twelve members of the house who voted to override the veto five were from the north Platte, and of the twenty-one who voted to sustain it seven were from the north Platte.

COUNTIES	For	Ag'nst	For	Ag'nst	For	Ag'nst	For	Ag'nst	For	Ag'nst	For	Ag'nst
Polk		9										
Richardson	882	494	701	551	676	607	596	768	509	795	244	1,130
Saline	304	40	284	69	278	66	264	81	209	135	69	282
Sarpy	94	367	135	263	178	272	106	290	91	308	79	319
Saunders	492	145	451	133	417	174	391	201	386	206	186	263
Seward	356	12	341	22	304	65	293	67	314	46	151	201
Stanton	10	106	12	104	19	97	17	99	12	104	2	114
Washington	208	305	217	296	220	293	194	319	202	311	94	419
Wayne	22	3	18	7	10	15	22	3	17	8	7	18
York	55	36	50	25	48	37	25	56	49	36	27	50
TOTAL	7,986	8,627	7,425	8,190	6,000	6,544	6,250	9,966	6,071	10,100	3,502	12,496

Majority against adoption 641

The above table was copied from the Omaha Weekly Herald of October 1st 1871 Adams Brown Clay, Franklin Greeley Hamilton Howard, Kearney Nuckolls Sherman, Valley, and Webster counties were included in the list of the official canvass but no returns were credited to them Only one of these counties—Hamilton sent returns in 1870 In 1872 Clay, Franklin, Hamilton, Howard, Kearney, Nuckolls, and Webster made returns. I have already discussed this topic in greater detail in the third volume of the History of Nebraska, pp 115–119.—Ed.

The convention had performed its prescribed function and finally dissolved itself. The revival scheme therefore ignored the method prescribed by section 1, of article 9 of the constitution for changing or superseding that instrument. There were by this time many vacancies in its membership and if the body had been irregularly reconvened, as proposed, it would have been but a rump.

THE CONSTITUTIONAL CONVENTION OF 1875

Neither of the party platforms of 1872 mentioned the subject of again trying to procure another constitution, probably because public opinion was so confused and doubtful that silence seemed safer than to take either side of the question. But in his inaugural message to the fifth legislature, at its regular session, in 1873—the first session after the rejection of the constitution of 1871—Governor Furnas said

"The present constitution is not meeting either the present or growing wants of the state The judiciary provisions are sadly deficient in supplying the demands of justice; the new counties, filling up so rapidly and justly entitled to representation in the general assembly, are without a voice, and the meagre salaries paid your state officers will not secure that efficiency and attention the importance of the positions now demand [s] The people have expressed their desire for revision and amendment To gratify these wishes in the most expeditious manner admissible, under the provisions of the existing constitution, will be meeting an important demand' (House Journal 1873, p 89)

Acting Governor James did not mention the subject in his retiring message

The first constitution prescribed the procedure for calling a constitutional convention as follows:

Section 1. If at any time a majority of the senate and house of representatives shall deem it necessary to call a convention to revise or change this constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the legislature; and if it shall appear that a majority of the electors voting thereon have voted for a convention, the legislature shall at its next session provide for calling such convention

Accordingly, at the regular session of 1873, on the 22d of January, Silas Garber, of Webster county introduced house roll number 70, "a joint resolution in relation to submitting the new constitution to a vote of the people." On the same day, Samuel G Owen, of Lancaster county, introduced house roll number 71, "a joint resolution relating to a revision of, and the submission of the new constitution" These resolutions do not appear in the record, of course, as they failed of passage The Daily State Journal, of January 24, 1873, says that two bills were introduced on Wednesday—the 22d looking to a resubmission of the new constitution (of 1871) "One by Mr Garber, providing for the resubmission of the instrument as it stands, changing only the schedule and providing for a separate vote upon doubtful clauses.

The other looks to amendments by a joint commission of the two houses, and then submitting it as amended." The Journal contended at great length that these joint resolutions were perfectly defensible.

Immediately after the first reading of the resolutions, they were read the second time, under suspension of the rules; and then, on motion of Towle, of Richardson county, they were referred to a special committee of seven members of the house and three of the senate. (H. J. 121.) At the afternoon session Mr. Towle withdrew his motion to refer the resolutions to a special committee, and, thereupon, on a motion by Garber, the speaker appointed a special committee of five members to consider the resolutions and report their recommendations within five days. (Ibid., p. 124.)

On the 23d the speaker appointed as such committee A. H. Babcock, Pawnee, Samuel G. Owen, Lancaster; E. G. Dudley, Douglas; Edwin S. Towle, Richardson; D. C. McKillip, Seward. On the 27th Owen, McKillip, and Towle reported back the resolutions—70 and 71—and recommended the adoption of 71. Babcock and Dudley reported as follows:

The undersigned, a minority of a special committee appointed by you to take into consideration and report upon H. R. No. 70 and 71, they being joint resolutions in relation to the revision and submission of the so-called new constitution to a vote of the people, would respectfully report the same back to the house with the recommendation that neither of them be adopted, for the reason that the legislature does not possess powers therein contemplated.

The undersigned would, theref submit the following joint resolut and recommend its adoption:

Joint resolution, authorizing electors to vote for, or against, a stitutional convention at the general election of the legislat

Resolved by the Senate and H of Representatives of the Stat Nebraska, That the electors of state be, and the same are her authorized and recommended to for or against a convention, to re or change the constitution of state at the next general election members of the legislature.

The ballots at such election s be written or printed as follows

Those in favor of a convent "For a convention."

Those against a convent "Against a convefftion."

All of which is respectfully mitted.

A. H. BABCOCK,
Chairma
E. S. DUDLEY.

(House Journal 1873, p. 165.)

In his last message, delivered the legislature of 1875, at the open of the session, Governor Furnas sa

"The people of this state in a c stitutional manner, having at the l election proclaimed in favor of convention to revise and amend t present constitution, it will be a du incumbent upon you to provide th the popular will be gratified. Deta need not be suggested here. Suff to say, that every interest of the st demands a change, and that speedily as may be." (House Journ 1875, p 64.)

In his inaugural message to t same legislature Governor Garb said:

Origin of the Constitution of 1875

"It is generally conceded that our present constitution does not meet the necessities of our largely increased population The people of the state having expressed their desire through the ballot for a convention to draft a new constitution, it becomes your duty to provide for the calling of a constitutional convention, and to make the necessary appropriations to meet the expenses that will thus be incurred, and to apportion the state in such a manner that all sections may be fairly represented The convention should meet as soon as practicable that it may have its work completed and placed before the people at as early a day as possible, so that they may have time and opportunity to become familiar with the instrument upon which they are to vote Past experience has demonstrated the danger of pressing upon the public so important a measure as a constitution without sufficient time to read and understand it." (Ibid., p 89)

On the fourth day of the session of the sixth legislature January 11, 1875, the senate, in committee of the whole, recommended that the part of the governor's message relating to the constitution be referred to a special committee of three senators to be appointed by the president of the senate, whereupon, on the same day the president of the senate Nathan K Griggs, of Gage county appointed as such committee Joseph E Lamaster, of Otoe county, Guy C Barton, of Lincoln county, Jacob S Spaun, of Douglas county (Senate Journal, 1875, p 126) The house, on the same day referred the part of the governor's message in question to the standing committee on constitutional representation and apportionment, which was composed of Albinus Nance, of Polk county, M V Moudy, of Kearney, N R Pinney, of Otoe, Jacob Weidenhall, of Douglas; B. F. Chambers, of Dakota. (House Journal 1875, pp. 78, 84.)

On the 11th of January, Church Howe, of Nemaha county, introduced "a bill (house roll no 7) for an act to provide for calling a convention to revise, alter, or amend the constitution of the state of Nebraska." February 2d Mr Nance, of the committee on constitutional representation and apportionment, reported the bill without recommendation. February 4th the house reported the bill back to the committee with instructions that it reapportion the membership of the convention, on a basis of the population of 1874 and so that it should contain sixty-nine members. On the 5th the committee reported the bill back amended as directed On the 9th an amendment by John Baumer, of Douglas county, was agreed to by unanimous consent. The Daily State Journal, February 10, 1875, says that this change "slightly amended" the bill. On the same day the resolution was passed by a vote of 28 to 3 These three were Alexander H Baker of Douglas county, James C Crawford of Cuming, James Davidson, of Sarpy (House Journal 1875, p 295)

On the fifth of February Jacob S Spaun, of Douglas county, introduced by unanimous consent, senate file number 84, "a bill for an act to provide for calling a convention to revise, alter or amend the constitution of the state of Nebraska." (Senate Journal 1875, p 290)

According to the Daily State Journal of February 10, 1875, this bill provided for a convention of twenty-five members, to be chosen by the two houses of the legislature, jointly, which should meet on the first Tuesday in March. The bill provided also that the constitution framed by the convention should be submitted to the people in numbered sections, so far as practicable. Whether the specific method prescribed in the constitution was exclusive or not, the emergency was not pressing enough to justify ignoring it; and the Journal well doubted that Spaun's bill would be acceptable to the people.

On the 12th of February house roll no. 7 and senate file no. 84 were referred to a special committee consisting of Carolus C. Burr, of Lancaster county: Samuel M. Chapman, of Cass; and Alexander Bear, of Madison. On the 16th Chapman and Bear "report favorably upon h. r. no. 84 [7], recommending that s. f. no. 84 be indefinitely postponed. Burr, in a minority report, recommended that "s. f. no. 84 do pass for the reason that the state will save at least the sum of seventy-five thousand dollars if the constitutional convention is called as provided therein." (Senate Journal 1875, p. 388.) On the 18th the senate passed the house bill by a vote of 9 to 4, and laid the senate bill on the table. (Ibid., pp. 443, 444.) The act was approved February 20th, 1875. It provided that a convention of sixty-nine members, to be chosen at a popular election on the 6th of April, 1875, should meet at the capital of the state on the 11th of May, 1875. The membership of the convention was apportioned by the act among sixty-three counties. (Laws of Nebraska, 1875, p. 135.) Fifty of the members of the convention were republicans; sixteen democrats; and three, independents.[48]

The ostensible original manuscript of the journal of the convention evidently was not revised; and, as is designated in brackets in each instance, it was largely made up of newspaper clippings, apparently without revision or correction. So that there appears to be no complete original record of the proceedings of the convention. Ordinary rules of punctuation are so often disregarded in this putatively original journal that it seemed necessary to supply punctuation marks, frequently, to save appearance and sense.

JOURNAL OF THE CONVENTION.

FIRST DAY.

House of Representatives.
Lincoln, Nebraska.
Tuesday, May 11, 1875.

Pursuant to the provisions of an act of the legislature of the state of

48. The sixteen democrats were Agur, of Seward county; Becker, of Platte; Boyd, of Douglas; Broady, of Nemaha; Brown, of Douglas; Burtch, of Sarpy; Calhoun, of Otoe; Coates, of Dixon; Grebe, of Douglas; Grenell, of Washington; Hinman, of Lincoln; Martin, of Richardson; Munger, of Dodge; Rogers, of Otoe; Stevenson, of Cuming; Vallery, of Cass, Cummins, of York, and Ewan and Peery, of Nemaha, were the three independents. The vocations of the members were as follows: Twenty-four lawyers, twenty-three farmers, three millers, one contractor and pork-packer, one grain dealer, two surveyors, seven merchants, three county clerks, one editor, one wagon-maker, one minister of the gospel, one judge, one physician. (Daily State Journal, June 10, 1875.)

Nebraska entitled "An act to provide for calling a convention to revise, alter or amend the constitution of the State of Nebraska" approved February, 1875, the members elected to said convention assembled in the hall of the House of Representatives, Lincoln, Nebraska, at 3 o'clock, p. m., Tuesday, May 11, 1875, and were called to order by Hon. Bruno Tzschuck, secretary of state.

Mr. Kirkpatrick, of Cass, nominated Mr. Maxwell of Dodge as president pro tempore.

Mr. Hayward, of Otoe, nominated Mr. Conner of Buffalo as president pro tempore.

The name of Mr. Maxwell was at his request withdrawn and Mr. Conner, of Buffalo, was elected president pro tempore by acclamation.

On motion of Mr. Weaver of Richardson, Guy A. Brown was elected secretary pro tempore.

Mr. Doom of Gage moved that the chair appoint a committee of five to examine credentials.

Mr. Gwyer of Douglas moved an amendment that the committee on credentials consist of one member from each senatorial district. The amendment was sustained and the chair appointed as such committee Messrs. Doom, Gwyer, Weaver, Ewan, Calhoun, Smith, Frady, Rees, Walling, Dunlap, Gere and Hopewell.

On motion of Mr. Gwyer the roll was called and the following gentlemen answered to their names:

Abbott,	Henry,
Agur,	Hinman,
Becker,	Hopewell,
Boyd,	Kendall,
Broady,	Kirkpatrick,
Brown,	Laird,
Calhoun,	Manderson,
Carns,	Martin,
Clark,	Matthews,
Conner,	Maxwell,
Cummins,	McPherson,
Dawes,	Munger,
Doom,	Peery,
Dunlap,	Pierce,
Eldridge,	Rees,
Ewan,	Robertson,
Foss,	Rogers,
Frady,	Sauls,
Garber,	Smith,
Gere,	Sterns,
Grebe,	Thorn,
Grenell,	Vallery,
Griffin,	Van Wyck,
Gwyer,	Walther,
Hallner,	Walling,
Hamilton,	Warrington,
Harmon,	Weaver,
Harrington,	Webster,
Hawley,	Wilcox.—60. [58]

On motion of Mr. Doom of Gage a recess was taken until 4 o'clock, p. m.

After Recess.

The committee on credentials approved, and by its chairman, Mr. Doom of Gage, submitted the following report:

Lincoln, Nebraska, May 11, 1875.

Mr. Chairman, the committee appointed to examine the credentials of members elected to this convention respectfully report that certificates in due form have been presented and that the following named persons are entitled to seats in this body:

	COUNTIES
A. J. Weaver, Frank Martin, Charles F. Walther, [W. H. Sterns,]	Richardson.
Reuben C. Eldridge,	Antelope, Boone and Greeley.
A. H. Conner,	Buffalo, Sherman and Valley.
James Harper,	Butler.
Jacob Vallery, Sr., George S. Smith, S. M. Kirkpatrick,	Cass.
Cyrus E. Hunter,	Cedar, Stanton and Wayne.
B. I. Hinman,	Cheyenne, Keith and Lincoln, and territory north of Dawson county and west of Valley county.
M. W. Wilcox,	Clay.
Aug. M. Walling,	Colfax.
R. F. Stevenson,	Cuming.
Isaac Powers, Jr.,	Dakota.
M. R. Hopewell,	Burt.
S. H. Coates,	Dixon.
Samuel Maxwell, Wm. H. Munger,	Dodge.
Clinton Briggs, Chas. F. Manderson, William A. Gwyer, John L. Webster, Charles H. Brown, James E. Boyd, Henry Grebe,	Douglas.
J. D. Hamilton,	Fillmore.
R. B. Harrington, James E. Doom,	Gage.
O. A. Abbott,	Hall.
J. H. Sauls,	Hamilton.
M. B. Rees, H. H. Shedd, A. Hallner,	Saunders.
Luke Agur, E. C. Carns,	Seward.
E. N. Grenell, J. J. Thompson,	Washington.

	COUNTIES
Joseph Garber,	Thayer and Nuckolls.
Wm. B. Cummins,	York.
James Laird, Legrand B. Thorne,	Webster, Adams and Kearney.
Fred A. Harmon,	Franklin, Phelps and Gosper.
John McPherson,	Harlan and Furnas.
C. H. Frady,	Knox, Pierce and Holt.
Austin W. Matthews,	Jefferson.
William L. Dunlap,	Johnson.
S. B. Pound, J. B. Hawley, C. H. Gere, C. W. Pierce,	Lancaster.
W. M. Robertson,	Madison.
A. G. Kendall,	Howard and Merrick.
J. H. Peery, J. G. Ewan,	Nemaha.
S. H. Calhoun, Josiah Rogers, M. L. Hayward, C. H. Van Wyck,	Otoe.
George L. Griffing,	Pawnee.
John P. Becker,	Platte.
Thomas S. Clark,	Polk.
S. R. Foss, J. W. Dawes,	Saline.
S. F. Burtch,	Sarpy.
T. L. Warrington,	Red Willow, Hitchcock, etc. [Dundy, Chase, Frontier, Dawson, and unorganized territory lying between Frontier and Chase counties.]
David P. Henry,	Pawnee and Johnson.
J. H. Broady,	Richardson and Nemaha.

We find that F. A. Harmon has a certificate of election under seal from the clerk of Franklin county, as being the duly elected member of this convention for the counties of Franklin, Phelps and Gosper, and we also find that, from papers before us, the seat of Mr Harmon is contested, and we recommend that Mr Harmon is entitled to said seat until this convention otherwise determine All of which is respectfully submitted.

J. E. DOOM,
Chairman.

On motion the report of the committee on credentials was adopted.

On motion the roll was called.

Present, all the members except Mr Harmon

On motion the oath of office was administered to the members elect by Justice Maxwell

On motion the oath of office was administered to Justice Maxwell by Mr Brown, clerk of the supreme court

Mr Hinman moved that the convention proceed to an informal ballot for president, which was agreed to

The oath of office was administered to Mr Harmon by Justice Maxwell

Mr Hinman moved that three tellers be appointed by the president and that the members deposit their ballots as their names were called by the secretary

The president appointed as tellers Messrs Hinman Smith and Doom

The convention proceeded to an informal vote for president, by ballot, with the following result:

Mr. Webster received 39 votes.
Mr Manderson received 17 votes
Mr. Van Wyck received 5 votes
Mr. Gwyer received 3 votes.
Mr. Calhoun received 1 vote.
Mr. Rogers received 1 vote
Mr. Conner received 1 vote
Mr Kirkpatrick received 1 vote.

Mr. Kirkpatrick moved that Mr. Webster be declared president of the convention by acclamation.

Mr Doom moved as an amendment that the convention proceed to a formal ballot for president

Mr Gwyer moved as an amendment that the convention vote viva voce

Which question was agreed to as amended

Thereupon the convention proceeded to elect a president, viva voce

Those voting for Mr Webster were

Agur,	Laird,
Becker,	Martin,
Carns,	Matthews,
Clark,	Maxwell,
Coates,	McPherson,
Conner,	Munger,
Cummins,	Peety,
Dawes	Pierce,
Dunlap,	Pound
Eldridge,	Powers,
Foss,	Rees,
Frady,	Robertson,
Garber,	Sauls,
Gere,	Shedd,
Hamilton,	Smith,
Harmon,	Sterns
Harper	Thorne
Hawley,	Walther
Hinman,	Walling
Hunter,	Warrington,
Kendall,	Weaver,
Kirkpatrick,	Wilcox.—44.

No. 15. Whenever any member is about to speak, or deliver any matter to the convention, he shall rise from his seat and address himself to "Mr. President," (not moving on the floor) and shall confine himself strictly to the proposition or propositions immediately pending before the convention.

No. 16. If any member in speaking (or otherwise) trangress the rules of the convention, the president shall, or any other member may, call him to order; and in which case the member so called to order shall immediately sit down, unless permitted to explain; and the convention, if appealed to, shall decide on the case, but without debate. If the decision be in favor of the member so called to order, he shall be at liberty to proceed, but not otherwise unless by leave of the convention.

No. 17. When two or more members happen to rise at once the president shall name the member who is first to speak.

No. 18. Every member who shall be within the hall of the convention when a question shall be stated from the chair, shall vote thereon, unless he shall be excused, or be personally interested in the question. No member shall be obliged to vote on any question unless within the hall when the question shall be put; but in the case of a division by yeas and nays, may vote if present before the last name shall be called. Any member desiring to be excused from voting must make his request before the roll call shall be commenced. He may then state concisely, without argument, his reasons for asking to be excused, and the question for excusing shall be taken without debate.

No. 19. When a motion is made it shall be stated by the president, or being made in writing, shall be handed to the secretary, and read aloud before debate.

No. 20. Every motion shall be reduced to writing, if the president or any member desire it.

No. 21. When the yeas and nays shall be taken on any question, no member shall be permitted to vote after the decision is announced from the chair, unless by the unanimous consent of the convention.

No. 22. After a motion is stated by the president, or read by the secretary, it shall be deemed in the possession of the convention, and may be withdrawn at any time before decision or amendment.

No. 23. When a question is under debate no motion shall be received but to adjourn, to call the house, to lay on the table, the previous question, to postpone indefinitely, to postpone to a day certain, to commit or to amend; which several motions shall have precedence in the order in which they stand arranged.

No. 24. A motion for adjournment shall always be in order, and be decided, as well as the motion to lay on the table, without debate.

No. 25. No motion to postpone to a day certain, or indefinitely, or to commit, being decided, shall again be allowed on the same day and at the same stage of the proposition.

No. 26. A motion to strike out the proposition shall have precedence of a motion to amend, and if carried shall be deemed equivalent to its rejection.

No. 27. When a blank is to be filled, and different sums and times are proposed, the question shall first be put on the largest sum and longest time.

No. 28. No person shall be permitted to smoke in the convention chamber, or to give any signs of approbation or disapprobation, either on the floor or in the gallery.

No. 29. It shall be the duty of the secretary to keep a book, in which he shall record all the proceedings of the convention; and to do and perform all other acts appertaining to his office, as may be required of him by the convention, or its presiding officer.

No. 30. It shall be the duty of the sergeant at arms to attend the convention during its sittings, to execute the commands of the convention,

from time to time, together with all such process issued by authority thereof as shall be directed to him by the president

No 31 The standing committees of the convention shall consist of the following

1	Judiciary and Judicial Districts	13
2	Executive	9
3	Legislative	9
4	Electoral and Representative Reform	7
5	The Right of Suffrage	7
6	Education, School Funds and Lands	9
7	Municipal Corporations	7
8	Railroad Corporations	7
9	Miscellaneous Corporations	7
10	Revenue and Finance	7
11	Banks and Currency	7
12	State, County and Municipal Indebtedness	7
13	Public Accounts and Expenditures	7
14	Military Affairs	7
15	Retrenchment and Reform	7
16	State and County Boundaries	7
17	Township or Precinct Organization	7
18	State Lands (other than School Lands)	7
19	Congressional Apportionment	7
20.	Legislative Apportionment	13
21	Manufactures and Agriculture	7
22.	State Institutions and Public Buildings	7
23.	Penitentiary and Reformatory Institutions	7
24	Bill of Rights	7
25.	Federal Relations	7
26	Future Amendments	7
27	Printing and Binding	3
28	Roads	7
29.	Internal Improvements	7
30	Revision and Adjustment	7
31.	Schedule	7
32.	Miscellaneous Subjects	7

No 32. If the question in debate contains several propositions, any member may have the same divided, and on motion to strike out and insert, it shall be in order to move for a division of the question; and the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent proposition simply to strike out, nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert

No 33 The unfinished business on which the convention was engaged at its last adjournment shall at the next meeting of the convention of the same day, have precedence of all other business

No 34 When a question has been once put, and carried in the affirmative or negative, it shall be in order for a member of the majority to move for a reconsideration thereof, but no motion for the reconsideration of any vote shall be in order after the expiration of two business days Such motion shall take precedence of all other questions, except a motion to adjourn

No 35 When motions are made for reference of the same subject to a select committee and to a standing committee, the question of reference to a standing committee shall be first put.

No 36 All propositions presented to the convention relating to the provisions on the frame of the constitution shall; in the first instance, be referred to an appropriate standing committee, without debate except as to the committee to which the reference shall be made

No 37 Upon the call of the convention, the names of delegates shall be called over by the secretary, and the absentees noted, after which the names of such absentees shall again be called over. The doors shall then be closed, and those for whom no excuse or insufficient excuses are made, may, by order of those present, (if

a quorum), be taken into custody, as they appear or may be sent for and taken into custody wherever to be found, by the sergeant at arms of the convention.

No. 38. In forming a committee of the whole, the president shall leave the chair, and the chairman, to preside in committee, shall be appointed by the president.

No. 39. Upon propositions being committed to committee of the whole, they shall be first read throughout by the secretary and then again read and debated by clauses, leaving the preamble to be considered last. After report of said committee, the proposition shall again be subject to debate or amendment before a question is taken.

No. 40. The rules of parliamentary practice comprised in Cushing's Manua shall govern the convention in all cases in which they are applicable and not inconsistent with the standing rules and orders of the convention.

No. 41. A motion to commit, until it is decided, shall preclude all amendments and debate on the main question; and a motion to postpone indefinitely or to a day certain, until it is decided, shall preclude all amendments on the main question.

No. 42. No motion or proposition on a subject different from that under discussion shall be admitted under color of amendment

No. 43. No rule of the convention shall be altered, suspended or rescinded without the vote of two-thirds of the members present.

No. 44. The hours of meeting shall be 9 a. m. and 2 p. m., unless otherwise ordered.

ORDER OF BUSINESS

No. 45.

1. Reading of the journal.
2. Communications and presentation of petitions.
3. Unfinished business of the previous day.
4. Reports of standing committees.
5. Reports from select committees.
6. Presentation of resolutions and propositions to amend the constitution.

No. 46. The previous question shall be always in order if the motion therefor be seconded by ten members and shall be put in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate.

No. 47. When, on taking the previous question, the convention shall decide that the main question shall be now put, the main question shall be considered as still remaining under debate.

No. 48. The effects [effect] of the main question being ordered shall be to put an end to all debate, and bring the convention to direct vote—first, upon all amendments reported or pending being first applied to the amendmen last moved, and then on the main question.

No. 49. After the motion for the previous question has prevailed, it shall not be in order to move a call of the convention prior to a decision of the main question.

No. 50. Every article which it is proposed shall form part of the constitution shall be read the first and second times and be referred to the committee of the whole; and after it shall have been considered in committee of the whole, and after the amendments reported by the committee of the whole shall have been acted on, it shall be open to amendment, in the convention; and when there are no further amendments to be proposed the question shall be on ordering the article to be engrossed for its third reading; and after the same shall have been engrossed the same shall not be amended except by the unanimous consent of the convention. And after the article has been read a third time and passed, it shall be referred to the committee on

revision and adjustment, who shall report to the convention all such verbal amendments as they shall deem expedient not changing in any manner the substance of such article Provided, however, That this rule shall not be so construed as to prevent a majority of the convention from taking up the report of the said committee, and making any alterations or amendments thereto.

A H CONNER,
W H STEPNS,
C. H. GERE,
W. M ROBERTSON,
O. A. ABBOTT, Chn.

Mr Gwyer moved that the foregoing report be referred to the committee of the whole house, which was agreed to.

The committee on best mode of proceeding to revise the constitution submitted the following report by Mr Smith:

Mr President and gentlemen of the convention, your special committee to consider the best practical mode of proceeding to revise the constitution beg leave to report the following, to-wit: That your committee would recommend to the convention that they proceed to the business of the same by the appointment of the following standing committees with members corresponding, to-wit:

Judiciary, composed of 11 members

Legislative apportionment, composed of 17 members

Executive, Legislative, Finance Education, Corporations, State County and Municipal Indebtedness Future Amendments, Schedule	Composed of 5 each,

Futher that the preamble, bill of rights and all other subjects coming before this convention for their consideration be referred to this convention as a committee of the whole.

C H VAN WYCK,
Chairman.
CLINTON BRIGGS,
MUNGER,
PIERCE,
MARTIN,
HOPEWELL,
SMITH,
LAIRD,
BROADY,
BECKER,
Committee.

Mr. McPherson asked leave of absence.

On motion of Mr. Kirkpatrick leave of absence was granted to Mr. McPherson.

Mr Harrington offered the following resolutions:

RESOLVED, That a special committee of five be appointed to hear the evidence in the contested election case from the district composed of Franklin, Phelps and Gosper counties, and report the same to the convention.

On motion of Mr. Gwyer the resolution was adopted.

Mr. Kirkpatrick offered the following resolution:

RESOLVED, That the secretary of state be requested to furnish for the use of this convention at his earliest convenience an abstract of the census of the state for 187[illegible], noting therein the number of votes in each county

On motion of Mr Stevenson the foregoing resolution was adopted.

The president appointed as a committee on the contested election case, Messrs Harrington, Laird, Broady, Gwyer and Maxwell

Mr. Paine, having received a majority of the votes cast, was declared duly elected sergeant at arms.

Mr. Gwyer moved that the convention proceed to elect an assistant sergeant at arms, who shall also act as postmaster.

Mr. Van Wyck moved to amend by electing a doorkeeper who shall also act as postmaster.

Mr. Gere moved to amend by striking out the word postmaster.

The question being on the amendment to strike out the word postmaster, it was lost.

The question recurring upon the amendment of Mr. Van Wyck, the amendment was adopted, and the convention proceeded to the election of a doorkeeper and postmaster.

The following named persons were placed in nomination: W. J. Young, Adam Bax, and J. W. McCabe.

Those voting for Mr. McCabe were

Abbott, Harmon,
Becker, Harper,
Broady, Hayward,
Calhoun, Henry,
Coates, Kendall,
Conner, Matthews,
Cummins, Peery,
Dunlap, Rees,
Eldridge, Robertson,
Ewan, Rogers,
Frady, Smith,
Grenell, Sterns,
Griffing, Thorne,
Hallner, Van Wyck,
Hamilton, Walling,
Warrington.—31.

Those voting for Mr. Young were

Agur, Hinman,
Briggs, Hopewell,
Burtch, Hunter,
Doom, Kirkpatrick,
Grebe, Shedd,
Harrington, Maxwell,
Thompson, Walther,
Vallery, Weaver,
Wilcox.—17.

Those voting for Mr. Bax were

Clark, Hawley,
Dawes, Pierce,
Foss, Pound,
Garber, Powers,
Gere, Sauls,
Gwyer, Stevenson.—12.

Those voting for Mr. McAuley were

Boyd, Manderson,
Brown, Martin,
Laird, Munger,
Mr. President.—5.

Voting for Mr. Manly, Mr. Carns.

Absent, Mr. McPherson.

No person having received a majority of all the votes cast, the president declared a second ballot in order.

Thereupon the convention proceeded to a second ballot for doorkeeper with the following result:

Those voting for Mr. McCabe were

Abbott, Henry,
Becker, Hunter,
Boyd, Kendall,
Broady, Laird,
Brown, Manderson,
Calhoun, Matthews,
Clark, Munger,
Coates, Peery,
Conner, Pierce,
Cummins, Pound,
Dunlap, Powers,
Eldridge, Rees,
Ewan, Robertson,
Frady, Rogers,
Gere, Sterns,
Grenell, Stevenson,
Griffing, Thompson,
Hallner, Thorne,
Hamilton, Van Wyck,
Harmon, Walther,
Harper, Walling,
Hayward, Warrington,
Mr. President.—45

ting for Mr Young were
Kirkpatrick,
Maxwell,
Shedd
Smith,
Vallery,
Weaver,
Wilcox—15.

ing for Mr Bax were
Gwyer,
Hawley,
Sauls—6

r Mr Manly, Mr Carns
r Mr Moudy, Mr. Martin
ir. McPherson.

be having received a ma-
votes cast was declared
d doorkeeper and post-

er moved that the presi-
t two pages.

patrick moved to amend
out the word two and in-
word three The motion
was agreed to

moved that the conven-
itself into a committee
le house to consider—
greed to.

the convention resolved
committee of the whole
Mr. Doom in the chair.
e time spent therein, the
rose and by its chairman
gress and asked leave to

the convention took a
2 o'clock p m

TER RECESS.

Two o'clock p m
n called to order by the

The president announced the appointment of the following pages: R. C Talbot, Edward Bragg, and Richard Miller.

Mr Weaver moved that the secretary of state be requested to have the hall of the convention room cared for without expense to the convention; which was agreed to.

Mr. Robertson offered the following resolution, which was adopted.

RESOLVED, That the pastors of the respective churches in this city be requested to act alternately as chaplain of this convention, they to arrange as to the days on which each shall so act, provided they act without expense to the state.

Mr. Weaver moved that the oath of office be administered to the officers of the convention

Thereupon Mr Justice Maxwell proceeded to administer the oath of office to the officers of the convention

Mr. Doom moved that the convention resolve itself into a committee of the whole house to consider reports of committee on rules, which was agreed to.

Thereupon the convention resolved itself into a committee of the whole house with Mr. Doom in the chair.

After some time spent therein the committee arose and submitted the following report, by its chairman:

Mr. President, the convention in committee of the whole house have had under consideration the report of the committee of twelve upon rules and recommend that it be indefinitely postponed.

They have also had under consideration the report of the committee of five on rules and made sundry amendments to said rules and recommend that the same be adopted as amended.

J. E. DOOM, Chairman.

Mr. Abbott offered the following resolution; which was adopted:

RESOLVED, That the report of the committee on rules, as amended by the committee of the whole, be adopted and that two hundred copies of the same be ordered printed for the use of members, together with the names of the gentlemen composing the several committees.

On motion of Mr. Harrington, the convention, at 5 o'clock p. m., adjourned.

THIRD DAY.

Lincoln, Neb., Thursday, May 13, 1875.

Convention met pursuant to adjournment and was called to order by the president.

The roll was called by the secretary and there were

PRESENT

Abbott,	Dunlap,
Agur,	Eldridge,
Becker,	Ewan,
Boyd,	Foss,
Briggs,	Frady,
Broady,	Garber,
Brown,	Gere,
Burtch,	Grebe,
Calhoun,	Grenell,
Carns,	Griffing,
Clark,	Gwyer,
Coates,	Hallner,
Cummins,	Hamilton,
Dawes,	Harmon,
Doom,	Harper,
Harrington,	Rees,
Hawley,	Robertson,
Hayward,	Rogers,
Henry,	Sauls,
Hinman,	Shedd,
Hopewell,	Smith,
Hunter,	Sterns,
Kendall,	Stevenson,
Kirkpatrick,	Thompson,
Laird,	Thorne,
Manderson,	Vallery,
Martin,	Van Wyck,
Matthews,	Walther,
Maxwell,	Walling,
Munger,	Warrington,
Peery,	Weaver,
Pound,	Wilcox,
Powers,	Mr. President.—[illegible]

ABSENT.

Conner, Pierce.—2

Absent with leave, Mr. McPherson.

Journal read and approved.

Mr. Weaver moved a reconsideration of the vote by which the resolution ordering the printing of two hundred copies of the rules was passed.

Mr. Abbott moved to amend by striking out all of the resolution after the word adopted; which amendment was concurred in, and the motion as amended was agreed to.

Mr. Hinman asked for and received leave of absence until Monday at three o'clock.

On motion of Mr. Briggs, the convention took a recess until 2 o'clock p. m.

Afternoon Session.

Two o'clock p. m.

Convention called to order by the president.

ıil by the secretary.

PRESENT.

Hunter,
Kendall,
Kirkpatrick,
Laird,
McPherson,
Manderson,
Martin,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,
Rogers,
Sauls,
Shedd,
Smith,
Sterns,
Stevenson,
Thompson,
Thorne,
Vallery,
Van Wyck,
Walther,
Walling,
n, Warrington,
Weaver,
Wilcox,
Mr. President.—63.

ABSENT.

Harmon,
Hinman,
Robertson.—6.

:DING COMMITTEES.

·sident announced the fol-
mmittees, the first named
ing chairman of the same:

ary.

Pound,
Smith,
Broady,
Rees,
Powers,
Hinman.—13.

2. Executive.

Manderson, Munger,
Sterns, Hayward,
Matthews, Shedd,
Wilcox, Thorne.—9.
Stevenson,

5. The Right of Suffrage.

Clark, Burtch,
Warrington, Grebe,
Harmon, Ewan.—7.
Sterns,

6. Education, School Funds and Lands.

Walther, Abbott,
Gwyer, Harrington,
Gere, Frady,
Hopewell, Dawes.—9.
Munger,

13. Public Accounts and Expenditures.

Cummins, Powers,
Pound, Grenell,
McPherson, Sauls.—7.
Peery,

14. Military Affairs.

Coates, Carns,
McPherson, Clark,
Dunlap, Burtch.—7.
Van Wyck,

15. Retrenchment and Reform.

Shedd, Foss,
Hayward, Harper,
Manderson, Carns.—7.
Hamilton,

21. Manufactures and Agriculture.

Martin, Hallner,
Harper, Grebe,
Becker, Hamilton.—7.
Garber,

22. State Institutions and Public Buildings.

Garber, Becker,
Gwyer, Pierce,
Rogers, Ewan.—7.
Maxwell,

16. State, Counties, and County Boundaries.

Agur, Eldridge,
Wilcox, Hamilton,
Martin, Peery.—7.
Hallner,

17. Township and Precinct Organizations.

Dawes, Harrington,
Kendall, Thompson,
Munger, Vallery.—7.
Hunter,

18. State Lands, Other than School Lands.

Wilcox, Vallery,
Weaver, Warrington,
Henry, Frady.—7.
Rees,

19. Congressional Apportionment.

Walling, Clark,
Dunlap, Burtch,
Foss, Matthews.—7.
Doom,

20. Legislative Apportionment.

Laird, Conner,
Gwyer, Hopewell,
Van Wyck, Carns,
Robertson, Garber,
Hinman, Matthews
Walther, Hunter.—13.
Hawley,

24. Bill of Rights.

Harrington, Hawley,
Manderson, Carns,
Broady, Griffing. –7.
Frady,

26. Future Amendments.

Broady, Warrington,
Stevenson, Harrington,
Hayward, Harmon.—7.
Grebe,

Mr. Doom offered the following resolution, which, upon motion of Mr. Calhoun, was referred to the c mittee on federal relations.

RESOLVED, That the commit on rights of suffrage be requested inquire into the expediency of provi ing a means by which the people this state may express their prefe ence for United States senators fro this state.

Mr. Doom offered the following resolution, which was referred to the committee on accounts and expend tures.

RESOLVED, That the committee on accounts and expenditures be requested to inquire into the propriety of, and report to this convention, provisions by which the incumbents of the various state and county offices shall receive compensation according to the duties and labor of the office.

Also, provisions absolutely prohibiting the legislature from increasing such compensation during the term of the incumbents or granting, either directly or indirectly, any extra compensation for clerk hire, incidental or contingent expenses, except as provided in this constitution.

Also, as to the propriety of creating a board to pass upon irregular claims, said board reporting such as found equitable to the legislature.

Mr. Coates, from the committee on military affairs, submitted the following report, which was read a first and second time, and referred to the committee of the whole house.

Sec. 1. The militia of the state of Nebraska shall consist of all able bodied male persons residing in the state, between the ages of eighteen and forty-five—except such persons as now are or may hereafter be exempted by the laws of the United States or this state.

'he military shall be in dination to the civil

) soldier shall in time of uartered in any house 'onsent of the owner, nor ar, except in the manner / law.

t moved that there be or- d 100 copies of the re- ıilitary committee, which ed to.

n moved a reconsidera- ote on the resolution rel- quiring certain reports ditor of state and other s.

nd nays being demanded, in the affirmative were

Pierce,
Pound,
Robertson,
Rogers,
Sauls,
Smith,
Sterns,
Stevenson,
Thorne,
Vallery,
Walther,
Walling,
Warrington.
Weaver.—29.

ng in the negative were

Ewan,
Foss,
Frady,
Grenell,
Griffing,
Hallner,
Hamilton,
Harmon,
Harrington,
Hayward,
Henry,
Hopewell,
Hunter,
Kirkpatrick,
Matthews,
Maxwell,
Peery,
Powers,
Recs,
Shedd,
Thompson,
Van Wyck,
Wilcox,
Mr. President.—36.

Absent,

Brown,
Grebe,
Hinman,
McPherson.—4.

Mr. Laird offered the following resolution, which was adopted.

RESOLVED, That the Rev. John W. Ellis, of Lincoln, be invited by this convention to take charge of the chaplaincy of this body.

Mr. Manderson asked for and received leave of absence until Monday afternoon.

On motion, the convention resolved itself into a committee of the whole house on the report of the military committee, with Mr. Gere in the chair.

After some time spent therein the committee arose and, by its chairman, submitted the following report:

Mr. President, the convention in committee of the whole have had under consideration the report of the committee on military affairs and recommend the following substitute for section one.

Sec. 1. The legislature shall determine what persons shall constitute the militia of the state and may provide for organizing and disciplining the same.

C. H. GERE, Chairman.

On motion of Mr. Stevenson, the report was adopted.

Mr. Henry moved that the convention adjourn until Monday at 3 o'clock.

The yeas and nays being demanded, the vote stood as follows:

YEAS.

Agur,
Broady,
Conner,
Dunlap,
Henry,
Maxwell,
Rogers,
Van Wyck,
Wilcox.—9.

NAYS.

Abbott,
Becker,
Boyd,
Briggs,
Burtch,
Calhoun,
Carns,
Clark,
Coates,
Cummins,
Dawes,
Doom,
Eldridge,
Ewan,
Foss,
Frady,
Garber,
Gere,
Grenell,
Griffing,
Gwyer,
Hallner,
Hamilton,
Harmon,
Harper,
Harrington,
Hawley,
Hayward,
Hopewell,
Hunter,
Kendall,
Kirkpatrick,
Laird,
Martin,
Matthews,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,
Robertson,
Sauls,
Shedd,
Smith,
Sterns,
Stevenson,
Thompson,
Thorne,
Vallery.
Walther,
Walling,
Warrington,
Weaver,
Mr.President.—55.

ABSENT.

Brown,
Grebe,
Hinman,
[McPherson],
Manderson.—5.

Mr. Gwyer offered the following resolution, which, on motion, was adopted.

RESOLVED, That the secretary of state be requested and authorized to fit the desks of the members of the convention with locks and keys, and that desks be fitted with railings so that names of members can be placed thereon.

Mr. Gere moved that the president appoint a standing committee of five on engrossment and enrollment, which was agreed to.

The report of the military committee was referred to the committee on engrossed and enrolled bills.

Mr. Grenell moved that the committee on engrossed and enrolled bills be authorized to employ such clerical force as deemed necessary.

The yeas and nays being demanded the vote resulted as follows:

YEAS.

Abbott,
Agur,
Becker,
Briggs,
Broady,
Calhoun,
Carns,
Clark,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Dunlap,
Eldridge,
Ewan,
Foss,
Frady,
Garber,
Gere,
Grenell,
Griffing,
Gwyer,
Hallner,
Hamilton,
Harmon,
Harper,
Harrington,
Hawley,
Henry,
Hopewell,
Hunter,
Kendall,
Kirkpatrick,
Laird,
Martin,
Matthews,
Maxwell,
Munger,
Pierce,
Pound,
Powers,
Rees,
Robertson,
Rogers,
Sauls,
Smith,
Sterns,
Thompson,
Thorne,
Vallery,
Walther,
Walling,
Warrington,
Weaver,
Wilcox,
Mr. President.—5

NAYS.

Boyd,
Burtch,
Hayward,
Peery,
Shedd,
Stevenson,
Van Wyck.—5

ABSENT.

McPherson.
Manderson.—5.

resident appointed as com-
on engrossed and enrolled

Carns,
k, Munger.

oss asked for and received
absence.

eaver moved that when the
on adjourn it be until to-
morning at 9 o'clock, which
ed to.

ayward moved that leave of
be granted to Mr. Rogers
nday at 2 o'clock; which was
).

tion, at 11:15, a. m., con-
adjourned until tomorrow
at 9 o'clock.

FIFTH DAY.

Lincoln, May 15, 1875.

onvention met pursuant to
nent and was called to order
esident.

ll was called and there were

PRESENT

Conner,
Cummins,
Dawes,
Doom,
Dunlap,
Eldridge,
Ewan,
Frady,
Garber,
Gere,
Grebe,
Grenell,
Griffing,
Gwyer,
Harmon,
Harper,
Harrington,
Hallner,
Hamilton,
Hayward,
Henry,
Hopewell,
Hunter,
Kendall,
Kirkpatrick,
Martin,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,
Robertson,
Sauls,
Shedd,
Smith,
Sterns,
Stevenson,
Thompson,
Thorne,
Vallery,
Van Wyck,
Walther,
Walling,
Warrington,
Weaver,
Wilcox,
Mr. President.—60.

ABSENT

Agur, Hawley,
Calhoun, Laird.—4.

ABSENT WITH LEAVE

Foss, Manderson,
Hinman, Rogers.—5.
McPherson,

Prayer by Rev. Mr. Ellis.

Journal read and approved.

Mr. Gwyer, from the committee on engrossment and enrollment, submitted the following report:

Mr. President, the committee on enrolled and engrossed bills respectfully report that they have examined and compared the original and find that the article on militia is correctly engrossed.

WM. A. GWYER, Chairman.

Thereupon the article upon militia was read the third time, the question being upon its adoption.

Those voting in the affirmative were

Abbott,	Hayward,
Becker,	Henry,
Boyd,	Hopewell,
Briggs,	Hunter,
Broady,	Kendall,
Brown,	Kirkpatrick,
Burtch,	Laird,
Calhoun,	Martin,
Carns,	Matthews,
Clark,	Maxwell,
Coates,	Munger,
Conner,	Peery,
Cummins,	Pierce,
Dawes,	Pound,
Doom,	Powers,
Dunlap,	Rees,
Eldridge,	Robertson,
Ewan,	Sauls.
Frady.	Shedd,
Garber,	Smith,
Gere.	Stevenson,
Grebe.	Thompson,
Grenell,	Thorne,
Griffing,	Vallery,
Gwver,	Van Wyck.
Hallner,	Walther.
Hamilton,	Walling,
Harmon,	Warrington,
Harper,	Weaver,
Harrington,	Wilcox,
Hawley,	Mr.President.—62.

Voting in the negative

Sterns.—1.

Absent,

Agur,	McPherson,
Foss.	Manderson.
Hinman,	Rogers.—6.

A majority of the members voting therefor, the article was adopted and referred to the committee upon revision and adjustment.

On motion of Mr. Weaver, leave of absence was granted Mr. Hawley.

The special committee on contested election submitted a report which, on motion of Mr. Maxwell, was recommitted to said committee.

Leave of absence was granted Mr. Broady until Monday at 3 o'clock.

Mr. Boyd moved that when the convention adjourned it be until 3:30, Monday, May 17th.

The yeas and nays being demanded, the vote resulted as follows:

Those voting therefor were

Abbott,	Hawley,
Becker,	Hopewell,
Boyd,	Kendall,
Broady,	Maxwell,
Brown,	Munger,
Burtch,	Pierce,
Calhoun,	Shedd,
Carns,	Smith,
Conner,	Stevenson,
Cummins,	Van Wyck,
Dawes,	Wilcox,
Grebe,	Mr.President.—31.
Harmon,	

Voting in the negative were

Briggs,	Kirkpatrick,
Clark,	Laird,
Coates,	Martin,
Cummins,	Matthews,
Doom,	Peery,
Dunlap,	Pound,
Eldridge,	Powers,
Ewan,	Rees,
Frady,	Robertson,
Garber,	Sauls,
Gere,	Sterns,
Grenell,	Thompson,
Griffing,	Thorne,
Gwyer,	Vallery,
Hallner,	Walther,
Hamilton,	Walling,
Harper,	Warrington,
Henry,	Weaver.—39.
Hunter,	

[31]

A majority of the members present voting in the negative, the motion was lost.

Leave of absence was granted

Van Wyck,	Smith.—3.
Boyd.	

nell moved that when the
t adjourn, it be until 3
m., Monday, May 17th.

n and nays being demanded,
ng in the affirmative were

Harmon,
Henry,
Hopewell,
Kendall,
Laird,
Maxwell,
Munger,
Pierce,
Shedd,
Smith,
Stevenson,
Thorne,
Van Wyck
Walling,
Wilcox,
Mr President 34
[33.]

oting in the negative were

Martin
Matthews,
Perry
Pound,
Powers,
Rees,
Robertson,
Sauls,
Storms,
Thompson,
Vallery,
Walther
Warrington
Weaver 20

e offered the following res

VED That the special com
contested election be au
nd empowered to send for
d papers in the case of the
seat of the member for
Phelps and Gosper coun

d moved that the resolution
itely postponed

Mr. Gwyer moved that the motion to indefinitely postpone be laid on the table

The motion was sustained and the quest on being upon the adoption of the resolution, Mr Abbott offered the following amendment

"And that said committee proceed to examine all proof brought before them by the contestants at the cost of the contestants"

The amendment was lost and, the question recurring upon the original resolution, it was adopted.

Mr Gwyer moved that the committee on contested election be allowed to report at this time.

Thereupon Mr. Harrington, from the committee upon contested elections, submitted the following report

Your committee to whom was referred the contested election case from the counties of Franklin, Gosper and Phelps, where J F Zedlker is contesting the right of F A Harmon to a seat in this convention, beg leave to report that upon the evidence now before the committee, we are unable to found a report and would respectfully recommend that no further action be taken by the convention until further testimony be taken And we further recommend that the parties contesting be directed to take the testimony of the county clerk of Gosper county in relation to the facts of certain election returns of said Gosper county or that said clerk be brought in person before your committee, and also to give said parties an opportunity to produce such other testimony as they may desire

R E HARRINGTON, Chairman

Mr Abbott moved a reconsideration of the vote adopting a resolution

relative to a report from the state auditor offered by Mr. Doom May 13th; which was agreed to.

The question being upon the adoption of said resolution, Mr. Hayward offered the following as a substitute:

RESOLVED, That a special committee, consisting of Mr. Doom of Gage, be appointed to ascertain and report the appropriations for, and expenses of the executive department of the state from January 1st, 1875, to May 1st, 1875.

The president ruled the substitute out of order.

Mr. Gwyer moved to strike out all after the first section of said resolution; which was agreed to.

The question being upon the adoption of the resolution as amended, it was agreed to.

The resolution, as amended, being as follows, was adopted.

RESOLVED, That the auditor of state be and he is hereby requested to communicate to this convention the amount of the appropriations made by the last legislative assembly for each of the public institutions and each department of the state government.

Mr. Boyd offered the following resolution which was adopted.

RESOLVED, That the secretary of state be and he is hereby requested to report to this convention all expenses already incurred or contracted for by him for the convention and that nothing more be furnished or contracted for unless ordered by the convention.

Mr. Munger moved that the convention do now adjourn.

The motion was sustained and the convention, at 10:40 a. m., stood adjourned until 3 o'clock p. m., Monday, May 17th.

SIXTH DAY.

Lincoln, May 17th, 1875, 3 p. m.

Convention met pursuant to adjournment and was called to order by the president.

The roll was called and there were

PRESENT

Abbott,	Henry,
Agur,	Hinman,
Becker,	Hopewell,
Boyd,	Hunter,
Broady,	Kendall,
Brown,	Kirkpatrick,
Burtch,	Laird,
Calhoun,	McPherson,
Carns,	Martin,
Clark,	Matthews,
Coates,	Maxwell,
Conner,	Munger,
Cummins,	Peery,
Dawes,	Pierce,
Doom,	Pound,
Dunlap,	Powers,
Eldridge,	Rees,
Ewan,	Robertson,
Foss,	Sauls,
Frady,	Shedd,
Garber,	Smith,
Grebe,	Sterns,
Grenell,	Stevenson,
Griffing,	Thompson,
Gwyer,	Thorne,
Hallner,	Vallery,
Hamilton,	Walther,
Harmon,	Warrington,
Harper,	Weaver,
Harrington,	Wilcox,
Hawley,	Mr. President.—61.
Hayward,	

ABSENT.

Briggs,	Rogers,
Gere,	Van Wyck,
Manderson,	Walling.—6.

Journal read and approved.

Mr. Griffing presented the petition of James W. Cunningham et al., citizens of Pawnee county, relative to the issuance of state, county and municipal bonds, which was referred

he committee on state, county and
nicipal indebtedness.

:r. Doom presented the following
n Mr. F. A. Harmon, resigning his
as a member of the convention:

. J. L. Webster, President of the
Constitutional Convention.

:ar Sir: The contest, in which I
so unwillingly become involved,
:s me two alternatives. One :s
nder this resignation—the other
ter upon a prolongation of an
:asant controversy, which can
serve to embarrass and delay
usiness of the convention, and
which would probably never
a solution. Looking to the
interests of the people I repre-
and of the state, I do not con-
my personal service in this body
fficient consequence to justify
tter action.

much as I regret to sever the
ant connection between my fel-
members and myself, I feel com-
d to tender my resignation as a
ber of this body, believing that
by I can, better than any other
subserve those interests it is my
est duty to regard.

:suring you and my late col-
ues of my highest esteem, and re-
ing thanks for uniform courtesy
ave experienced from all with
m I have been associated, I have
honor to be

Most respectfully yours,
FRED A. HARMON.

fr. Hinman moved the acceptance
he resignation of Mr. Harmon.

Mr. Gwyer moved to lay the foregoing motion on the table; which was agreed to.

Mr. Abbott moved that the convention adjourn until tomorrow morning at 9 o'clock; which motion prevailed, and at 3:15, p. m., the convention stood adjourned.

SEVENTH DAY.

Lincoln, May 18th, 1875.

Convention met pursuant to adjournment and was called to order by the president.

The roll was called and there were

PRESENT

Abbott,
Agur,
Becker,
Boyd,
Broady,
Brown,
Burtch,
Carns,
Clark,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Dunlap,
Eldridge,
Ewan,
Foss,
Frady,
Garber,
Gere,
Grebe,
Grenell,
Griffing,
Gwyer,
Hallner,
Hamilton,
Harmon,
Harper,
Harrington,
Hayward,
Henry,
Hinman,
Hopewell,
Hunter,
Kendall,
Kirkpatrick,
Laird,
McPherson,
Martin,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,
Robertson,
Rogers,
Sauls,
Shedd,
Smith,
Sterns,
Stevenson,
Thompson,
Thorne,
Vallery,
Walther,
Warrington,
Weaver,
Wilcox,
Mr. President.—62

[63.]

ABSENT.

Briggs, Manderson,
Calhoun, Van Wyck,
Hawley, Walling.—6.

Prayer, by Rev. Mr. Ellis.

Journal read and approved.

Mr. Broady, for the committee on future amendments, submitted the following report. [The report is a newspaper clipping—not original.—Ed.]

Mr. President, your committee on future amendments respectfully make the following report, with the recommendation that the same be incorporated in the constitution:

Amendments.

Section 1. Either branch of the legislature may propose amendments to this constitution, and if the same be agreed to by three-fifths of the members elected to each house such proposed amendments shall be entered on the journals, with the yeas and nays, and published in at least one newspaper in each county, where a newspaper is published, for six months preceding the next election of senators and representatives, at which time the same shall be submitted to the electors for approval or rejection, and if a majority of the electors voting at such election adopt such amendments, the same shall become a part of the constitution. When more than one amendment is submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

Sec. 2. When three-fifths of the members elected to each branch of the legislature deem it necessary to call a convention to revise, amend or change this constitution, they shall recommend to the electors to vote at the next election of members of the legislature for or against a convention, and if a majority of them voting at said election vote for a con[vention] the legislature shall, at [its] next session, provide by law for call[ing] the same. The convention [shall] consist of as many members as [the] house of representatives, who shall [be] chosen in the same manner, and [shall] meet within three months after [the] election, for the purpose aforesaid. No amendment or change of this con[stitution], agreed upon by this con[vention], shall take effect until [the] same has been submitted to the elec[tors] of the state, and adopted by a majority of those voting for and against the same.

Respectfully submitted,
J. H. BROADY,
Chairman Committee.

Read a first and second time and referred to the committee of the whole house.

Mr. Gwyer moved that one hundred copies of the foregoing article be printed.

Mr. Boyd moved, as an amendment, that one hundred copies of all articles be ordered printed.

Mr. Grenell moved to further amend by inserting two hundred copies instead of one hundred copies.

The question being upon the amendment of Mr. Grenell, it was lost.

The question recurring upon the amendment of Mr. Boyd, it was adopted, and the motion as amended was agreed to.

Mr. Cummins, for the committee on accounts and expenditures, submitted the following report. [Report not original—newspaper clipping.—Ed.]

The committee on public accounts and expenditures, to whom was referred the resolution requesting sai

mittee to inquire into the pro-
ty of fixing the salaries of the
ous state and county officers,
instructed their chairman to
the following report

ction 1 The officers named in
section shall receive for their
es a salary, and they shall not,
the expiration of the terms of
in office at the adoption of
constitution, receive to their
use any fees, costs, perquisites
ice or other compensation, and
es that may hereafter be pay-
by law for any services per-
ed by any officer provided for
is article of the constitution
be paid in advance into the
treasury The salary of the
nor shall be two thousand five
ed dollars ($2,500) The sal-
of the secretary of state, of
or of public accounts, of the
intendent of public instruction
asurer, commissioner of public
and buildings and attorney
al, shall each be one thousand
hundred dollars ($1 800) The
nant governor shall receive
the compensation of a senator
ded that at the expiration of
ears from the adoption of this
itution and every five years
after the legislature may by a
al law readjust the said sal-
but the salaries of the officers
d in this section shall not be
ased or diminished during their
al terms So much of said res-
on as relates to salary of county
rs, and also the resolution re-
g to the creation of a board to
upon irregular claims, we deem
expedient to make any report
the present time
ported by
W R CUMMINS, Chairman

r. Cummins offered the follo
section, amendatory of the con-
stitution [Not original—newspaper clipping Ed.]

Sec The governor, secretary of state, treasurer, and attorney general shall form a board which shall have general supervision and control of the buildings, grounds, and lands of the state, the state prison, asylum, and other institutions thereof, and shall perform such duties and be subject to such rules and regulations as may be prescribed by law.

Read a first and second times, and referred to the committee of the whole house.

Referred to executive committee

Mr. Robertson offered the following resolution, which was adopted

RESOLVED, That the secretary of state be requested to furnish each member of this convention during the sitting of the same with a copy of the general statutes of Nebraska containing the constitution of the United States and the constitution of the state of Nebraska The same to be furnished out of the statutes now owned by the state

Mr. Sterns offered the following resolution, which was adopted.

RESOLVED, That the committee on revision and adjustment be instructed to so revise the subject matter of the new constitution that nothing but pure, unadulterated English language shall be employed in its wording

Mr Clark offered the following resolution:

RESOLVED, That the respective committees (except the committees on judiciary, and legislative apportionment) be required to report within the next six days

Mr Hinman moved the adoption of the resolution.

Mr. Grenell moved that the motion to adopt the resolution be laid on the table. Carried.

Mr. Boyd moved that the president appoint a committee of three to wait upon the secretary of state and request him to report forthwith in compliance with a resolution adopted Saturday, May 15th, 1875.

Which motion prevailed and the president appointed as such committee, Messrs. Boyd, Abbott, and Martin.

On motion of Mr. Rees, at 9:40 o'clock, the convention took a recess until 2 o'clock p. m.

After Recess

Two o'clock p. m.

Convention called to order by the president.

Roll called by the secretary.

PRESENT.

Abbott,	Gwyer,
Agur,	Hallner,
Becker,	Hamilton,
Boyd,	Harmon,
Broady,	Harper,
Brown,	Hawley,
Burtch,	Hayward,
Calhoun,	Henry,
Carns,	Hinman,
Clark,	Hopewell,
Coates,	Hunter,
Conner,	Kendall,
Cummins,	Kirkpartick,
Dawes,	Laird,
Doom,	Martin,
Dunlap,	Matthews,
Eldridge,	Maxwell,
Ewan,	Munger,
Foss,	Peery,
Frady,	Pierce,
Garber,	Pound,
Grebe,	Powers,
Grenell,	Rees,
Griffing,	Robertson,
Sauls,	Van Wyck,
Shedd,	Walther,
Smith,	Walling,
Sterns,	Warrington,
Stevenson,	Weaver,
Thompson,	Wilcox,
Thorne,	Mr. President.—61.
Vallery,	

ABSENT.

Briggs,	McPherson,
Gere,	Manderson,
Harrington,	Rogers.—6.

Mr. Robertson, from the committee on miscellaneous corporations, reported as follows, which was referred to committee of the whole house. [Report not original—newspaper clipping.—Ed.]

Mr. President, your committee on miscellaneous corporations would respectfully report the following, and recommend that it be incorporated in the constitution:

Section 1. No corporation shall be created by special law, nor its charter extended, changed or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state; but the legislature shall provide by general laws for the organization of all corporations hereafter to be created. All general laws passed pursuant to this section may be altered from time to time or repealed.

Sec. 2. No such general law shall be passed by the legislature granting the right to construct and operate a street railroad, within any city, town or incorporated village, without first requiring the consent of a majority of the electors thereof.

Sec. 3. All corporations may sue and be sued, in like cases as natural persons.

Sec. 4. In all cases of actions against corporations and joint stock associations, the exact amount

ll be first settled, and after porate property shall have xhausted, the stockholders shall be individually liable to nt of their unpaid subscrip-

5. The legislature shall pro- law that in all elections for s or managers of incorpor- mpanies every stockholder ve the right to vote, in per- by proxy, for the number of f stock owned by him, for as ersons as there are directors agers to be elected, or to con- said shares, and give one te as many votes as the num- directors multiplied by the of his shares of stock shall or to distribute them, upon e principle among as many tes as he shall think fit, and irectors and managers shall elected in any other manner

6. All existing charters or f special or exclusive privi- nder which organization shall taken place, or which shall n operation within sixty (60) m the time this constitution fect, shall thereafter have no or effect whatever

W M ROBERTSON,
Chairman.

oom moved a reconsideration ote ordering the printing of ndred copies of each article d as an amendment to the tion Which motion was

oyd chairman of select com- to wait upon secretary of mbmitted the following re-

resident, your committee ap- to wait upon the secretary of d request him to report to nvention the information in a resolution adopted on last, beg leave to report that they performed that duty and that the secretary excused himself on the ground that he had returned some of the bills for correction and that he would report in the next twenty-four or thirty-six hours.

J. E. BOYD, Chairman.

On motion the report was received and the committee discharged.

Mr Dunlap offered the following article amendatory to the constitution

Article —.

Sec The capital of this state shall remain in the city of Lincoln until otherwise provided for by law The question of removal shall be submitted to be approved by a majority of the legal voters of the state at a general election. If a majority of all the votes cast shall be in favor of removal to any specified point the legislature shall provide for such removal when the people of the city or town so selected shall donate a sufficient area and erect and complete thereon an ample, substantial and commodious state house and make to the state therefor a good and sufficient deed in fee simple.

Read a first time and referred to the committee on miscellaneous subjects

Mr Walther presented the following resolution, amendatory to the constitution

RESOLVED, That the legislature shall provide for the levying of a uniform tax according to valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property and shall never either directly or indirectly release any person, corporation, or precinct from the payment of state taxes by reason of any internal improvements made by the same or for any other cause.

the county or district in which the offense is alleged to have been committed.

Sec. 12. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

Sec. 13. All courts shall be open, and every person, for any injury done him in his lands, goods, person or reputation, shall have a remedy by due course of law and justice, administered without denial or delay.

Sec. 14. Treason against the state shall consist only in levying war against the state, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 15. All penalties shall be proportioned to the nature of the offense, and no conviction shall work corruptions [Sic] of blood or forfeitures [Sic] of estate; nor shall any person be transported out of the state for any offense committed within the state.

Sec. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities, shall be passed.

Sec. 17. The military shall be in strict subordination to the civil power.

Sec. 18. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Sec. 19. The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

Sec. 20. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud.

Sec. 21. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing walks [ways] which shall be open to the public without charge, other than streets and highways in cities and incorporated villages, a compensation shall be made to the owner in money; and in all other cases, when private property shall be taken for public use, a [sic] compensation therefor shall be first made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to the property to the owner. The fee of land taken for railroad tracks, without the consent of the owners thereof, shall remain in such owners, subject to the use for which it was taken.

Sec. 22. All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

Sec. 23. The writ of error shall be a writ of right in all cases of felony; and in all capital cases shall operate as a supersedeas to stay the execution of the sentence of death until the further order of the supreme court the premises.

Sec. 24. The right to be heard in all civil cases in the court of last resort, by appeal, error or otherwise as provided by law, shall not be denied.

Sec. 25. The privilege of the debtor to enjoy the comforts of life shall be recognized by wholesome laws exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability.

Sec. 26 No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment or descent of property.

Sec 27 Jurisdiction to change property or effect [affect] rights in judicial proceedings shall not be acquired by publication only unless upon or after making proof of such publication it shall be found by the court that the residence and postoffice address of the party to be effected [affected] are unknown and cannot be ascertained by reasonable diligence.

Sec 28 This enumeration of rights shall not be construed to impair or deny others retained by the people, and all powers not herein delegated, remain with the people.

Read a first time. The rules were suspended, two-thirds of the members voting therefor, and the article was read a second time by its title, ordered printed, and referred to the committee of the whole house

Mr. Conner from the committee on revenue and finance, submitted the following article amendatory to the constitution: [Article not original —newspaper clipping Ed.]

Your committee upon revenue and finance beg leave to present the following report, and would recommend its adoption

Section 1 Taxes may be equally and rightfully levied, and the legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his her or its [property], such value to be ascertained by some person or persons to be elected as [or] appointed in such manner as the legislature shall direct and not otherwise but the legislature shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, innkeepers grocery keepers, liquor dealers, toll bridges, ferries, insurance, telegraph, and express interests or business, venders of patents, and persons or corporations owning or using franchises and privileges in such manner as it shall, from time to time direct by general law, uniform as to the class upon which it operates.

Sec 2 The specification of objects and subjects of taxation shall not deprive the legislature of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this constitution.

Sec 3 The property of the state, counties, and municipal corporations, both real and personal, and such property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery, and charitable purposes, may be exempted from taxation, but such exemption shall be only by general law In the assessment of real estate encumbered by public easement, [any depreciation occasioned by such easement] may be deducted in the valuation of such property The legislature may provide that the increased value of lands by reason of live fences, fruit and forest trees grown and cultivate[d] thereon, shall not be taken into account in the assessment thereof

Sec 4 The legislature shall provide in all cases when it may be necessary to sell real estate for the non payment of taxes, or special assessments, for state, county, municipal or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county, having authority to receive state and county taxes, and there shall be no sale of said property for any of said taxes and assessments, but by said officer upon the

order of [or] judgment of some court of record.

Sec. 5., The right of redemption from all sales of real estate, for the nonpayment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested on [in] such real estate, for a period of not less than two years from such sales thereof. And the legislature shall provide by law for reasonable notice to be given to the owners or parties interested, by publication or otherwise of the fact of the sale of the property for such taxes or assessment, and when the time of redemption shall expire. Provided, that occupants shall in all cases be served with personal notice before the time of redemption expires.

Sec. 6. The legislature shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever, and all taxes levied for state purposes, shall be paid into the state treasury.

Sec. 7. All property, real, personal or mixed, within the jurisdiction of this state, shall be listed and taxed, except as otherwise provided in this constitution, and the legislature shall provide by law for carrying into effect this provision.

Sec. 8. County authorities shall never assess [taxes] the aggregate of which shall exceed one and a half dollars per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

Sec. 9. The legislature may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment, or by special taxation of property, benefitted or otherwise. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

Sec. 10. The legislature shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for payment of the corporate debts of a municipal corporation.

Sec. 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

Sec. 12. The legislature at its first session shall provide by law for the funding of all outstanding warrants and all other outstanding indebtedness of the state at a rate of interest not exceeding ten per cent per annum, and all counties, cities, towns or other municipal corporations may fund their outstanding indebtedness, in bonds bearing a rate of interest not exceeding ten per cent per annum, in such manner as the legislature may by general law provide.

Sec. 13. The legislature shall provide by law that all claims upon the treasury shall be examined and adjusted by the auditor and approved

by the secretary of state, before any warrant for the amount allowed shall be drawn

A. H. CONNER, Chairman.
A. G. KENDALL,
W. M. ROBERTSON,
JAS. E. BOYD,
D. P. HENRY,
J. E. DOOM,
F. MARTIN,
Committee

Read the first time.

On motion the rules were suspended, two-thirds of the members voting therefor, and the article was read a second time by its title, ordered printed and referred to the committee of the whole house.

Mr. Pound moved to reconsider the vote adopting the resolution ordering the printing of one hundred copies of all articles amendatory to the constitution. Which motion was agreed to.

The question recurring upon the original resolution, Mr. Grenell moved to amend by striking out one hundred and inserting two hundred.

Mr. Rees moved to further amend by inserting two hundred twenty, which amendment was concurred in, and the resolution was adopted as amended.

Mr. Walther from the committee on education, school funds and lands, offered the following article amendatory to the constitution: [Article not original; newspaper clipping. Ed.]

Sec. 1. The secretary of state, treasurer, attorney general and commissioner of public lands and buildings shall, under the direction of the legislature, constitute a board of commissioners for the sale, leasing and general management of all lands and funds set apart for educational purposes, and for the investment of school funds in such manner as may be provided by law.

Sec. 2. All lands, money or other property granted, or bequeathed, or in any manner conveyed to this state for educational purposes, shall be used and expended in accordance with the terms of such grant, bequest of [or] conveyance.

Sec. 3. The following are hereby declared to be perpetual funds for common school purposes, of which the annual interest or income only can be appropriated, to wit:

First. Such per centum as has been or may hereafter be granted by congress on the sale of land in this state.

Second. All moneys arising from the sale or leasing of sections sixteen and thirty-six in each township in this state, and the land selected or that may be selected in lieu thereof;

Third. The proceeds of all lands that have been or may hereafter be granted to this state, which, by the terms and conditions of said grant, the same is not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may accrue to the state by escheat or forfeiture, or from unclaimed dividends or distributive shares of the estates of deceased persons.

Fifth. All moneys, stocks, bonds, lands and other property now belonging to the common school fund.

Sec. 4. All other grants, gifts and devises that have been or may hereafter be made to this state, and not otherwise appropriated by the terms of the grant, gift or devise, the interest arising from all the funds mentioned in the preceding sec. on together with all the rents of the unsold school lands, and such other means as the legislature may pro-

vide, shall be exclusively applied to the following objects, to wit:

First. To the support and maintenance of common schools in each school district in the state;

Second. Any residue of such fund shall be appropriated to the support and maintenance of schools of an intermediate grade between the common schools and the university.

Sec. 5. All fines, penalties and license moneys arising under the general laws of the state shall belong and be paid over to the counties respectively where the same may be levied or imposed; and all fines, penalties and license moneys arising under the rules, by-laws or ordinances of cities, villages, towns, precincts, or other municipal subdivisions less than a county, shall belong and be paid over to the same respectively. All such fines, penalties and license moneys shall be appropriated exclusively to the use and support of common schools in the respective subdivisions where the same may accrue.

Sec. 6. The legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years.

Sec. 7. Provision shall be made by general law for an equitable distribution of the income of the fund set apart for the support of common schools, among the several school districts of the state, and no appropriation shall be made from said fund to any district for the year in which school is not maintained at least three months.

Sec. 8. No university, agricultural college, common school or other lands which are now held or may hereafter be acquired by the state for agricultural purposes, shall be sold for less than seven dollars per acre.

Sec. 9. All funds belonging to the state for educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds held by the state, and the state shall supply all losses thereof, that may in any manner accrue, so that the same shall forever remain inviolate and undiminished; and such funds, with the interest and income thereof, are hereby solemnly pledged for the purposes for which they are granted and set apart, and shall not be transferred to any other fund for other uses.

Sec. 10. The general government of the University of Nebraska shall, under the direction of the legislature, be vested in a board of six regents to be styled the board of regents of the university of the state of Nebraska, who shall be elected by the electors of the state at large, and their term of office, except those chosen at the first election as hereinafter provided, shall be six years. Their duties and powers shall be prescribed by law, and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

Sec. 11. No sectarian instruction shall be allowed in any school or institution supported in whole, or in part, by the public funds set apart for educational purposes; nor shall the state accept any grant, conveyance, or bequest of money, lands or other property, to be used for sectarian purposes.

Sec. 12. The legislature shall provide by law for the establishment of a school or schools, for the safekeeping, education, employment and reformation of all children under the age of sixteen years, who, for want of proper parental care, or other cause, are growing up in mendicancy, ignorance, idleness or vice.

Read the first time. On motion the rules were suspended, two-thirds of the members voting therefor, and the article was read a second time by its title, ordered printed, and re-

ferred to the committee of the whole house

Mr Grenell offered the following resolution, amendatory to the constitution, which was read and referred to the legislative committee.

RESOLVED, That the legislature of this state shall have no power to pass any law authorizing the intermarriage of black and white persons in this state.

Mr Grebe offered the following resolution amendatory to the constitution, which was read and referred to the committee on accounts and expenditures.

RESOLVED, That the committee on public accounts and expenditures take into account the expediency of reporting an article to be made a part of the constitution whereby no appropriation shall be made for the incidental expenses of any state officer but all stationary etc, required for their use be purchased by contract and issued by the secretary of state in such manner as may be required by law.

Mr. Shedd offered the following resolution amendatory to the constitution, which was read and referred to the committee on state, county and municipal indebtedness.

RESOLVED, That no county, precinct, or municipal corporation shall have authority to vote bonds which shall exceed in the aggregate ten per cent of the last assessed valuation

Mr Hallner offered the following resolution amendatory to the constitution, which was read and referred to the judiciary committee

RESOLVED That the state shall not be divided into more than five judicial districts, in each of which shall be elected one judge who shall preside therein and who shall be judge of the district court in such district; and further that the jurisdiction of a probate court shall be raised to one thousand dollars, and the jurisdiction of a justice of the peace court to three hundred dollars.

Mr. Sauls offered the following resolution amendatory to the constitution:

RESOLVED, That the legislature shall provide by general law for township organization under which any county may organize whenever a majority of the legal voters of such county voting at any general election shall so determine, and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of said county by the board of county commissioners may be dispensed with and the affairs of said county may be transacted in such manner as the general assembly may provide, and in any county that shall have adopted a township organization the question of continuing the same may be submitted to a vote of the electors of such county at a general election in the manner and form that now is, or may be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in said county, and all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

Referred to committee on state, counties and county boundaries.

Mr Weaver offered the following resolution:

RESOLVED, That no member of this convention shall receive pay for any time when he shall be absent from the convention either by adjournment or excused at his own request.

from passengers and freight and such other matters relating to railroads as may be prescribed by law. And the legislature shall pass laws enforcing by suitable penalties the provisions of this section.

Sec. 2. The rolling stock and other movable property belonging to any railroad company or corporation in the state shall be liable to execution and sale in the same manner as the personal property of individuals, and the legislature shall pass no law exempting any such property from execution and sale.

Sec. 3. No railroad corporation shall consolidate its stock, property or franchise with another railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place, except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law.

Sec. 4. Railways heretofore constructed or that may hereafter be constructed in this state are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, and under such regulations as may be prescribed by law. And the legislature may from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state. The liability of railroad corporations as common carriers shall never be limited.

Sec. 5. No railroad corporation shall issue any stock or bonds, except for money, labor or property, actually received and applied to the purpose for which such corporation was created; and all stock, dividends, and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except after public notice, for sixty days, in such manner as may be provided by law.

Sec. 6. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature of the property and franchises of incorporated companies already organized or hereafter to be organized, subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when in the exercise of said right of eminent domain any incorporated company shall be interested either for or against the exercise of said right.

Sec. 7. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws of [by] adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchise.

Respectfully submitted,
J. E. BOYD,
Chairman Committee.

Read the first time. The rules were suspended, two-thirds of the members voting therefor, and the article was read a second time by its title and referred to the committee of the whole house.

The committee on engrossment and enrollment submitted the following report, by Mr. Gwyer, its chairman.

Mr. President, the committee on enrollment and engrossment, respectfully report that they have examined the article entitled Amendments and find the same correctly engrossed.

WILLIAM A. GWYER,
Chairman

Amendments.

Section 1 Either branch of the legislature may propose amendments to this constitution, and if the same be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals with the yeas and nays and published once each week, in at least one newspaper in each county where a newspaper is published, for three months immediately preceding the next election of senators and representatives, at which election the same shall be submitted to the electors for approval or rejection and if a majority of the electors voting at such election adopt such amendments, the same shall become a part of this constitution When more than one amendment is submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately

Sec 2 When three-fifths of the members elected to each branch of the legislature deem it necessary to call a convention to revise, amend or change this constitution, they shall recommend to the electors to vote at the next election of members of the legislature for or against a convention and if a majority voting at said election vote for a convention the legislature shall at its next session, provide by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner and shall meet within three months after their election for the purpose aforesaid No amendment or change of this constitution agreed upon by such convention shall take effect until the same has been submitted to the electors of the state and adopted by a majority of those voting for and against the same.

The question being upon the adoption of the article upon amendments, those voting in the affirmative were

Abbott,	Hayward,
Agur,	Henry,
Becker,	Hinman,
Boyd,	Hopewell,
Briggs,	Hunter,
Broady,	Kendall,
Brown,	Laird,
Burtch,	McPherson,
Calhoun,	Manderson,
Carns,	Martin,
Clark,	Matthews,
Coates,	Maxwell,
Conner,	Peery,
Cummins,	Pierce,
Dawes,	Pound,
Doom,	Powers,
Dunlap,	Rees,
Eldridge,	Robertson,
Ewan,	Rogers,
Foss,	Sauls,
Frady,	Shedd,
Garber,	Smith,
Gere,	Stone,
Grebe,	Stevenson,
Grenell,	Thompson,
Griffing,	Thorne,
Gwyer,	Vallery,
Haimer,	Van Wyck,
Hamilton,	Walther,
Harmon,	Walling
Harper,	Warrington,
Hawley	Weaver,
Harrington,	Mr President — 66.

Voting in the negative,

Kirkpatrick 1

Absent,

Munger, Wilcox 2

A majority of the members present voting therefor the article on amendments was adopted

By consent Mr Clark from the committee on right of suffrage reported the following article amendatory to the constitution

Section 1 Every male person of the age of twenty one years or up-

Mr. Van Wyck offered the following resolution:

RESOLVED, That after this day an additional daily session be held at 7:30 p. m.

Mr. Calhoun moved to lay the resolution on the table; which motion prevailed.

Mr. Van Wyck offered the following resolution:

RESOLVED, That after this day, an additional daily session be held at 7:30 p. m.

Mr. Manderson moved to amend by inserting "Monday next" in place of "after this day"; which amendment was concurred in and the resolution adopted as amended.

Mr. Martin offered the following resolution amendatory to the constitution, which was read and referred to the legislative committee.

RESOLVED, [That] no law shall go into effect until the first of July after it is passed, except where laws are passed at a special session of the legislature, and when laws are passed at a special session of the legislature they shall not take effect until sixty days after the adjournment of such special session. PROVIDED, that laws passed at any session may take effect at once upon its passage, if two-thirds of the members of each house shall decide that an emergency has arisen or exists for the immediate taking effect of each law and so declare in the title of such bill or law and stating the reasons for such emergency, and provided further that all laws passed by the legislature shall be published within sixty days after their passage.

Mr. Robertson offered the following resolution amendatory to the constitution, which was read and referred to the committee on miscellaneous subjects.

RESOLVED, That the capitol of the state shall remain at Lincoln until otherwise provided by law; and no further or other provision shall be inserted in the constitution with reference to the removal of the capitol.

On motion of Mr. Weaver, at 10 o'clock, the convention adjourned until 2 o'clock this p. m.

Afternoon Session.

The convention was called to order by the president.

Roll called by the secretary.

PRESENT.

Abbott,	Hopewell,
Agur,	Hunter,
Becker,	Kendall,
Boyd,	Kirkpatrick,
Broady,	Laird,
Brown,	McPherson,
Burtch,	Manderson,
Calhoun,	Martin,
Carns,	Matthews,
Clark,	Maxwell,
Coates,	Peery,
Conner,	Pierce,
Cummins,	Pound,
Dawes,	Powers,
Doom,	Rees,
Dunlap,	Robertson,
Eldridge,	Rogers,
Ewan,	Sauls,
Foss,	Shedd,
Frady,	Smith,
Garber,	Sterns,
Grebe,	Stevenson,
Grenell,	Thompson,
Griffing,	Thorne,
Hallner,	Vallery,
Hamilton,	Van Wyck,
Harmon,	Walther,
Harper,	Walling,
Harrington,	Warrington,
Hawley,	Weaver,
Hayward,	Wilcox,
Henry,	Mr. President.—65.
Hinman,	

ABSENT.

Briggs, Gwyer,
Gere, Munger.—4.

Mr. Cummins, from the committee on accounts and expenditures, submitted the following report, relative to the appropriations and expenditures of the public funds [Report not supplied -Ed]

The question being upon the adoption of the report Mr. Grenell moved that the report be amended by striking out "1000" and inserting "2000" in lieu thereof.

The yeas and nays being demanded, those voting in the affirmative were

Brown, Griffing,
Calhoun, Gwyer,
Carns, Harrington,
Clark, Hawley,
Coates, Hinman,
Cummins, McPherson,
Doom, Manderson,
Dunlap, Pery,
Ewan, Rogers
Grebe, Thompson,
Grenell, Warrington,
Wilcox —23

Voting in the negative

Abbott, Kirkpatrick,
Agur, Laird,
Becker, Matthews,
Boyd, Maxwell,
Broady, Pierce,
Burtch, Pound,
Conner, Powers,
Davies, Rees
Eldridge, Robertson,
Foss Sauls,
Frady, Shedd,
Garber, Smith
Hallner, Sterns
Hamilton, Stevenson,
Harmon, Thorne
Harper Vallery,
Hayward, Van Wyck,
Henry, Walther,
Hopewell, Walling,
Hunter, Mr President. -41
Kendall,

ABSENT.

Briggs, Munger,
Gere, Weaver.—5.
Martin,

A majority of the members present voting in the negative, the amendment was lost.

The question recurring upon the original report it was adopted.

Mr Dunlap, from the committee on penitentiary and reformatory institutions, submitted the following report:

Mr. President and gentlemen of the convention: Your committee on penitentiary and reformatory institutions beg leave to report that we have not found anything in the subjects assigned for our consideration essential to be incorporated in the constitution but recommend the question to legislative action.

W. L. DUNLAP,
Chairman.

Mr. Dawes offered the following article amendatory to the constitution, which was read and referred to the legislative committee

Article —.

Members of the legislature, before they enter upon their official duties, shall take and subscribe the following oath or affirmation "I do solemnly swear (or affirm) that I will support the constitution of the United States, and [the] constitution of the state of Nebraska, and will faithfully discharge the duties of senator or representative—to the best of my ability, and that I have not knowingly or intentionally paid or contributed anything or made any promise in the nature of a bribe to directly or indirectly influence any vote at the election at which I was chosen to fill the said office and have not accepted nor will I accept or receive, directly or indirectly, any

The roll was called and there were

PRESENT

Abbott,
Agur,
Becker,
Boyd,
Briggs,
Broady,
Brown,
Burtch,
Carns,
Clark,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Dunlap,
Eldridge,
Ewan,
Foss,
Frady,
Garber,
Gere,
Grebe,
Grenell,
Griffing,
Gwyer,
Hallner,
Hamilton,
Harmon,
Harper,
Harrington,
Hawley,
Henry,
Hinman,
Hopewell,
Hunter,
Hayward,
Kendall,
Kirkpatrick,
Laird,
McPherson,
Manderson,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,
Robertson,
Rogers,
Sauls,
Shedd,
Smith,
Sterns,
Sevenson,
Thompson,
Thorne,
Vailery,
Van Wyck,
Walther,
Walling,
Warrington,
Weaver,
Wilcox,
Mr.President.—67.

ABSENT.

Calhoun, Martin.—2.

Prayer by Rev. J. W. Ellis.

Journal read and approved as corrected.

Mr. Agur, from the committee on state, counties and county boundaries, reported the following article amendatory to the constitution. [Article not original—newspaper clipping.—Ed.]

Your committee on state and county boundaries and counties beg leave to present the following report and would recommend its adoption.

Section 1. No new county shall be formed or established by the legislature which will reduce the county or counties or either of them to a less area than four hundred square miles, nor shall any county be formed of a less area.

Sec. 2. No county shall be divided or have any part stricken therefrom, without first submitting the question to a vote of the people of the county; nor unless a majority of all the legal voters of the county voting on the question shall vote for the same: PROVIDED, [That] the legislature may divide any county whose area exceeds nine hundred square miles without submitting the question to the vote of the people.

Sec. 3. There shall be no territory stricken from any organized county, unless a majority of the voters living in such territory shall petition for such division, and no territory shall be added to any organized county without the consent of the majority of the voters of the counties to which it is proposed to be added, but the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for and obliged to pay its proportion of the indebtedness of the counties from which it has been taken.

Sec. 4. No county seat shall be removed to a point more distant from the center of the county until two-thirds of the voters of the county shall have voted in favor of its removal to such point: PROVIDED, That when an attempt is made to remove a county seat to a point nearer the center of the county, such county seat shall be removed to such point when seven-twelfths of the voters of the county shall have voted in favor of such removal, and the question of removal may be submitted once in four years, and no person shall vote

on the question of removal who has not resided in the county six months, and in the election precinct sixty days next preceding such election

Sec 5 The legislature shall provide by law for the election of such county and township officers as may be necessary

Sec 6 The legislature shall provide by general law for township organization under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county by the board of county commissioners may be dispensed with, and the affairs of said county may be transacted in such manner as the legislature may provide, and in any county that shall have adopted a township organization the question of continuing the same may be submitted to a vote of the electors of such county, at a general election in the manner that shall be provided by law and if a majority of all votes cast upon that question shall be against township organization, then such organization shall immediately take effect and be laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county No two townships in any one county shall have the same name, and the day of holding the annual township meetings shall be uniform throughout the state

LUKE AGUR,
Chairman

Which was read the first time The rules were suspended, two-thirds of the members voting therefor, and the article was read a second time by its title and referred to the committee of the whole house

Mr Maxwell, from the judiciary committee, reported the following article amendatory to the constitution [Article not original—newspaper clipping Ed]

Mr. President, the committee on judiciary report the following article, entitled, "The Judicial Department," and respectfully recommend the adoption of the same.

The Judicial Department.

Section 1 The judicial power of this state shall be vested in a supreme court, district courts, county courts, justices of the peace, police magistrates, and in such other courts, inferior to the district courts, as may be created by law for cities and incorporated towns.

Sec 2 The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum or to pronounce a decision. It shall have original jurisdiction in cases relating to the revenue, civil cases in which the state shall be a party, mandamus, quo warranto, habeas corpus, and such appellate jurisdiction as may be provided by law

Sec 3 At least two terms of the supreme court shall be held in each year at the seat of government

Sec 4 The judges of the supreme court shall be elected by the electors of the state at large, and their terms of office, except of those chosen at the first election as hereinafter provided shall be six years

Sec 5 The judges of the supreme court shall, immediately after the first election under this constitution, be classified by lot so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years

Sec 6 The judge of the supreme court having the shortest term to serve, not holding his office by appointment or election to fill a va-

cancy, shall be the chief justice, and as such shall preside at all terms of the supreme court, and in case of his absence the judge having in like manner the next shortest term to serve shall preside in his stead.

Sec. 7. No person shall be eligible to the office of judge of the supreme court, unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this state at least three years next preceding his election.

Sec. 8. There shall be appointed by the supreme court a reporter, who shall also act as clerk of the supreme court and as librarian of the law and miscellaneous library of the state, whose term of office shall be for the term of four years, unless sooner removed by the court, whose salary shall be fixed by law, not to exceed fifteen hundred dollars per annum. The copyright of the state reports to forever belong to the state.

Sec. 9. The district courts shall have such original and appellate jurisdiction as is or may be prescribed by law.

Sec. 10. The state shall be divided into six judicial districts, in each of which shall be elected by the electors thereof one judge who shall be judge of the district court therein, and whose term of office shall be six years.

Until otherwise provided by law, said districts shall be as follows:

First District. The counties of Richardson, Johnson, Pawnee, Gage, Jefferson, Saline, Thayer, Clay, Nuckolls, and Fillmore.

Second District. The counties of Nemaha, Otoe, Cass, and Lancaster.

Third District. The counties of Douglas, Sarpy Washington, and Burt

Fourth District. The counties of Saunders, Dodge, Butler, Colfax, Platte, Polk, Merrick, Hamilton, York, Seward, Hall, and Howard.

Fifth District. The counties of Buffalo, Adams, Webster, Franklin, Harlan, Kearney, Phelps, Gosper, Furnas, Hitchcock, Dundy, Chase, Cheyenne, Keith, Lincoln, Dawson, Sherman, Red Willow, and Frontier.

Sixth District. The counties of Cuming, Dakota, Dixon, Cedar, Wayne, Stanton, Boone, Madison, Pierce, Knox, Antelope, Holt, Greeley, and Valley.

Sec. 11. The legislature, whenever two-thirds of the members elected to each house shall concur therein, may, in the year one thousand eight hundred and eighty, and every five years thereafter, increase the number of judges of the district courts, and the judicial districts of the state. Such districts shall be formed of compact territory, and bounded by county lines; and such increase or any change in the boundaries of a district shall not vacate the office of any judge.

Sec. 12. The judges of the district courts may hold courts for each other, and shall do so when required by law.

Sec. 13. The judges of the supreme court shall each receive a salary of $3,000, and the judges of the district court shall each receive a salary of $2,500 per annum, payable quarterly.

Sec. 14. No judge of the supreme court or district court shall receive any other compensation, perquisite or benefit, in any form whatever, nor perform any other than judicial duties to which may belong any emoluments, nor shall any salary or other compensation be paid by the state to any county judge.

Sec. 15. There shall be elected in and for each organized county one judge, who shall be judge of the county court of such county, and whose term of office shall be two years.

Sec 16 County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians, and settlement of their accounts, in all matters relating to apprentices, and such other jurisdiction as may be given by general law but they shall not have jurisdiction in criminal cases in which the punishment may exceed six months imprisonment, or a fine of over five hundred dollars, nor in actions in which title to real estate is sought to be recovered, or may be drawn in question, nor in actions on mortgages or contracts for the conveyance of real estate nor where the debt or sum claimed shall exceed one thousand dollars

Sec 17 Appeals to the district courts from the judgments of county courts shall be allowed in all criminal cases, on application of the defendant, and in all civil cases, on application of either party, and in such other cases as may be provided by law

Sec 18 Justices of the peace and police magistrates shall be elected in and for such districts, and have and exercise such jurisdiction as may be provided by law PROVIDED, That no justice of the peace shall have jurisdiction of any civil cases where the amount in controversy shall exceed one hundred dollars, nor in a criminal case where the punishment may exceed three months imprisonment, or a fine of over one hundred dollars nor in any matter wherein the title or boundaries of land may be in dispute

Sec 19 All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction, powers, proceedings and practice of all courts of the same class or grade so far as relates to law and the force and effect of the proceedings, judgments, and decrees of such courts, severally, shall be uniform

Sec 20 The legislature may, for cause entered on the journals, upon due notice, and opportunity of defense, remove from office any judge of the supreme or district court, upon concurrence of three-fourths of all the members elected to each house. All other officers in this article mentioned shall be removed from office on prosecution and final conviction for misdemeanor in office, in such manner as may be provided by law

Sec 21

Sec 22 All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall respectively reside in the district, county, or precinct for which they shall be elected or appointed The term of office of all such officers, when not otherwise provided for in this article, shall be two years All officers when not otherwise provided for in this article shall perform such duties and receive such compensation as may be provided by law.

Sec 23 In case the office of any judge of the supreme court, or of any district court shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor shall be elected and qualified, and such successor shall be elected for the unexpired term at the first general election that occurs more then thirty days after the vacancy shall have happened. Vacancies in all other elective offices provided for in this article shall be filled by election, but when the unexpired term does not exceed one year, the vacancy may be filled by appointment in such manner as the legislature shall provide

agency for a temporary purpose which ceases when that purpose is accomplished.

Oaths of Civil Officers.

Sec. 26. All civil officers, except members of the legislature and such inferior officers as may be by law exempted, shall before they enter on the duties of their respective offices, take and prescribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the constitution of the United States, the constitution of the state of Nebraska and that I will faithfully and impartially discharge the duties of the office of ———— to the best of my ability, and that at the election at which I was chosen to fill said office I have not improperly influenced in any way the vote of any elector, accepted nor will I accept or receive directly or indirectly any money or other valuable thing from any corporation company or persons for any official act. Any officer refusing to take the oath herein prescribed shall forfeit his office, and after conviction of having sworn falsely to or of violating his said oath, shall forfeit his office and shall be disqualified from holding any office of trust or profit in the state. No other oath, declaration or test shall be required as a qualification.

Bonds on [of(?)] Executive Officers.

Sec. 27. The officers mentioned in this article shall give bonds in not less than double the amount of money that may come into their hands, and in no case in less than the sum of $50,000, with such provisions as to sureties and the approval thereof, and for the increase of the penalty of such bonds as may be prescribed by law.

No other Officer [Office.]

Sec. 28. No other executive officer [office] shall be created

Respectfully submitted,

C. F. MANDERSO
Ch'n. Co
H. H. SHEDD,
L. B. THORNE,
M. H. STERNS,
W. H. MUNGER,
R. F. STEVENSON
M. L. HAYWARD,
Commit

Which was read the first tim
rules were suspended, two-thi
the members voting therefo
[the] article was read a secon
by its title and referred to the
mittee of the whole.

Mr. Boyd moved that the
on public accounts and expend
be considered in the committ
the whole house. at the same ti
the article reported by the exe
committee; which motion pre

Mr. Calhoun moved that wh
convention adjourn it be until
day at 3 o'clock p. m.; which n
prevailed.

On motion of Mr. Gwyer, th
vention adjourned at 10 o'clock
until 3 o'clock p. m. on Mo
May 24th.

Eleventh Day.

Lincoln, Monday, May 24th.
3 o'clock

The convention met pursua
adjournment and was called t
der by the president.

roll was called and there were

PRESENT

Harrington,
Hayward,
Henry,
Hunter,
Kendall,
Kirkpatrick,
Laird,
McPherson,
Matthews,
Peery,
Pierce,
Pound,
Powers,
Robertson,
Rogers,
Sauls,
Shedd,
Sterns,
Stevenson,
Thompson,
Thorne,
Vallery,
Walther,
Walling,
Warrington,
Wilcox,
Mr.President.—55.

ABSENT.

Martin.
Maxwell.
Munger,
Rees,
Smith,
Van Wyck,
Weaver.—14.

Prayer by Rev. J. W. Ellis.

The journal was read and approved.

The following communication was received from the auditor of state and read by the secretary:

Hon. J. L. Webster,

President Constitutional Convention.

Dear Sir:

I have the honor to acknowledge the receipt of the following resolution bearing date the 21st inst., viz: "Resolved that the auditor of state be requested to furnish this convention a statement of the amount of indebtedness of the state at the present time."

In compliance with the above resolution I herewith transmit to your honorable body a statement showing the indebtedness of the state of Nebraska to and including May 21st, 1875.

Respectfully submitted,

J. B. WESTON,

Auditor of State.

STATEMENT SHOWING THE INDEBTEDNESS AND RESOURCES OF THE STATE OF NEBRASKA TO MAY 21ST, 1875.

General Fund.

Certificate of Indebtedness held by the permanent school fund, dated March 10th, 1873			$158,837.6
Issued under the provisions of "an act for the relief of the state treasury." Approved February 27, 1873.			
Certificate of Indebtedness held by the permanent school fund, dated May 1st, 1875			184,119.6
Issued under the provisions of "an act supplemental to an act for the relief of the state treasury." Approved February 19th, 1875.			
Warrants outstanding to May 21. '75, inc.,		$ 86,589.55	
Interest on Warrants registered	3,000.00	$ 89,589.55	
Less amount of warrants paid from 1st to 21st, May	15,588.96	$ 74,000.5	
Warrants held in the permanent university fund			508.6
Total indebtedness			$417,466.5

Resources.

Cash in state treasury held in trust for notified holders of registered warrants		$ 4,953.15	$ 4,953.1
Delinquent state taxes as per last report	$198,115.79		
Tax of 1874 now due	200,995.77	399,111.56	
Less taxes paid from date of last report Nov. 30, 1874, to May 21, 1875, inc,		38,303.96	360,807.6
Total resources			$365,760.7

Penitentiary Building Fund.

Warrants outstanding	$47,694.76	
Interest on warrants registered	3,500.83	
Total liabilities		$51,195.59

Resources.

Cash in state treasury held in trust for notified holders of registered warrants		$ 2,862.56
Delinquent state taxes as per last report	$12,629.81	
Tax of 1874 now due	40,376.94	
	$53,006.75	
Less taxes paid from date of last report, Nov. 30, 1874, to May 21, 1875	3,373.26	49,633.49
Total resources		$52,496.05

State Building Fund.

Warrants outstanding	$43,812.19	
Interest on warrants registered	19,976.37	
Total indebtedness		$63,788.56

Mr. Cummins, from the committee on public accounts and expenditures, reported the following article amendatory to the constitution, which was read a first and second time and referred to the committee of the whole house.

Sec. —. No specific appropriation shall be made for the incidental expenses of any state officer but stationery of all kinds and classes, postage, fuel, expressage and furniture for their use shall be purchased by contract, and expended under direction of the secretary of state and paid for by the state treasurer in such manner as may be provided by law.

M. B. CUMMINS,
Chairman.

Mr. Cummins, from the committee on public accounts and expenditures, submitted the following report, which was adopted.

The committee of accounts and expenditures, to whom was referred the report of the secretary of state covering bills and accounts for supplies furnished this convention, report that they have examined the same and would recommend accounts to be allowed.

For publishing law calling election in county papers..	$488.35
Elliot & Turner for supplies..	11.60
Southwest Print Co., printing cards for desks.....	10.80
C. Hoffman, repairing desks, etc.	90.25
D. H. Adams, rock spittoon	13.50
C. Castor, cleaning hall.....	18.00
Wm. E. Hurst, repairing flag	2.00

And we would recommend that the secretary of this convention select such stationery and supplies as he may deem necessary for the use of this convention out of the amount furnished by the secretary of state, and that the balance be returned to the secretary of state, he giving credit for the amount so retu and then the balance of the bil the State Journal Co. be allowed

M. B. CUMMINS.
Chairma

Mr. Doom offered the following ticle amendatory to the constitut which was read and referred to committee on miscellaneous jects:

Sec. —. The legislature may vide that, at the general elec immediately preceding the exp tion of a term of a United St senator from this state, the elec may by ballot express their pre sence for some person for the o of United States senator. The v shall be canvassed and returned the same manner as for state offic

Mr. Frady offered the follow resolution, which was lost.

RESOLVED, That we, the rep sentatives of the people of the st of Nebraska, believing in the pr ence of Almighty God, also that prosperity of nations and states pends upon his divine will, respe fully ask his excellency the gover of the state, that he proclaim to people of Nebraska an immedi day of fasting, prayer and humil tion, asking the protection of mighty God against the locust wh now threatens our land to deso tion.

Mr. Wilcox offered the followi amendatory resolution, which read and referred to the commit on apportionment.

RESOLVED, That when count of this state shall be entitled more than one representative in senate or house of representativ such counties shall be divided i representative and senatorial d tricts in such manner as the leg lature may provide.

Mr Gwyer offered the following resolution

RESOLVED, That the secretary of state is requested and hereby authorized to supply the convention with necessary lamps, oil and wicks for use during the evening sessions

Mr Harrington moved a reconsideration of the vote on the resolution relative to night sessions; which motion prevailed

The question recurring upon the original resolution, on motion, it was laid on the table

The question recurring on the resolution offered by Mr Gwyer, it was lost.

On motion of Mr. Robertson, the convention resolved itself into a committee of the whole house, on the report of the committee on revenue and finance, with Mr. Calhoun in the chair

After some time spent therein, the committee arose, reported progress and asked leave to sit again

On motion, at 6 30 p m, the convention adjourned until tomorrow morning at 9 o'clock

Twelfth Day.

Lincoln, Tuesday, May 25, 1875.

The convention met pursuant to adjournment and was called to order by the president.

The roll was called and there were

PRESENT

Abbott,	Calhoun,
Agur,	Carns,
Becker,	Clark,
Boyd,	Coates,
Briggs,	Conner,
Brondy,	Cummins,
Brown,	Dawes,
Doom,	Martin,
Dunlap,	Matthews,
Eluridge,	Maxwell,
Ewan,	Munger,
Fess,	Peery,
Frady,	Pierce
Garber,	Pound,
Gere,	Powers
Grenell,	Robertson,
Griffing,	Rogers,
Gwyer	Sauls,
Hallner,	Shedd,
Hamilton,	Smith,
Harmon,	Sterns,
Harper,	Stevenson,
Harrington,	Thompson,
Hawley,	Thorne
Hayward,	Vallery,
Henry,	Walther,
Hinman,	Walling,
Hunter,	Warrington,
Kendall,	Weaver,
Kirkpatrick,	Wilcox,
Laird,	Mr President -63
McPherson,	

ABSENT.

Bartch,	Manderson,
Grebe,	Rees,
Hopewell,	Van Wyck [6]

Prayer by Rev. J W Ellis

Journal read and approved.

Mr Coates offered the following resolution amendatory to the constitution, which was read and referred to the committee on education, school funds and lands

RESOLVED, That the school lands shall not be sold unless such sale shall be authorized by a vote of the people at a general election, but, subject to revaluation every five years they may be leased for any number of years not exceeding twenty-five at a rate established by law

Mr Brown offered the following resolution, which was lost.

RESOLVED That the treasurer of the state be requested to furnish this convention with a statement of all moneys paid into the treasury

each year since the organization of the state; and to what funds the same have been paid and credited.

On motion of Mr. Conner, two hundred copies of the report of the auditor of state was [were] ordered printed.

On motion of Mr. Gwyer, the printing of the auditor's report was referred to the committee on printing.

On motion of Mr. Abbott, the convention resolved itself into a committee of the whole for the further consideration of the report of the committee of revenue and finance, with Mr. Calhoun in the chair.

After some time spent therein, the committee arose and, by its chairman, submitted the following report:

Mr. President, the convention in committee of the whole have had under consideration the article on revenue and finance, and report the same back with the recommendation that a substitute herewith attached be printed and that the committee have leave to sit again.

S. H. CALHOUN,
Chairman.

Section 1. The legislature shall provide such revenue as may be needful by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property, the value to be ascertained in such manner as the legislature shall direct, but it shall have power to tax peddlers, auctioneers, brokers, hawkers, commission merchants, showmen, jugglers, innkeepers, liquor dealers, toll bridges, ferries, insurance, telegraph and express interests or business, vendors of patents, in such manner as it shall direct by general law, uniform as to the class upon which it operates.

Sec. 2. The property of the state, counties and municipal corporations, both real and personal, and such other property as may be needed and used exclusively for school, religious, cemetery, and charitable purposes may be exempted from taxation, but such exemption shall be only by general law.

Sec. 3. County authorities shall never assess taxes the aggregate of which in any one year shall exceed one and a half dollars per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

Sec. 4. The legislature may vest the corporate authorities of cities, towns, and villages with power to make local improvements by special taxation of property, benefitted or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

Sec. 5. Private property shall not be liable to be taken or sold for the payment of the corporate debts of municipal corporations. The legislature shall not impose taxes upon municipal corporations or the inhabitants or property thereof for corporate purposes.

Sec. 6. The legislature shall provide by law for the funding of all outstanding warrants and all other outstanding indebtedness of the state, at a rate of interest not exceeding eight per cent per annum, and all counties, cities, towns or other municipal corporations may fund their outstanding indebtedness in bonds bearing a rate of interest not exceeding eight per cent per annum, in such manner as the legislature may by general law provide.

On motion of Mr Abbott, the convention resolved itself into a committee of the whole house, upon the bill of rights

After some time spent therein, the committee arose and, by its chairman, reported progress and asked leave to sit again.

On motion, the convention took a recess until 2 o'clock p m.

After Recess.

The convention was called to order by the president

The roll was called and there were

PRESENT

Agur,	Hopewell,
Becker,	Hunter,
Boyd,	Kendall,
Briggs,	Kirkpatrick,
Brody,	Laird,
Brown,	McPherson,
Calhoun,	Martin,
Carns,	Matthews,
Clark,	Maxwell,
Coates,	Munger,
Conner,	Peery,
Cummins,	Pierce,
Dawes,	Pound,
Doom,	Powers,
Eldridge,	Robertson,
Ewan,	Rogers,
Foss,	Sails,
Frady,	Shedd,
Garber,	Smith,
Grenell,	Sterns,
Griffing,	Stevenson,
Gwyer,	Thompson,
Hallner,	Thorne,
Hamilton,	Vallery,
Harmon,	Van Wyck,
Harper,	Walther,
Harrington,	Walling,
Hawley,	Warrington,
Hayward,	Weaver,
Henry,	Wilcox,
Hinman,	Mr President 62

ABSENT.

Abbott,	Grebe,
Burtch,	Manderson,
Dunlap,	Rees [-7]
Gere,	

By unanimous consent Mr Brody offered the following resolution amendatory to the constitution, which was read and referred to the committee on revenue and finance.

RESOLVED, That no treasurer of state, county or city or other officer who is the legal custodian of public revenues shall hold such office two terms in succession

On motion of Mr. Boyd, the convention resolved itself into the committee of the whole House, with Mr. Boyd in the chair

After some time spent therein, the committee arose and by its chairman submitted the following report

Mr President, the convention in committee of the whole house have had under consideration the article on bill of rights, and made the following amendments to the same

First By inserting the words "against him" after the word witness, in the 3rd line of section 11.

Second. By striking out the word welfare, in 2nd line of section 21, and inserting the word necessity

Third. By striking out the following words in 3rd, 4th and 5th lines of sec 21, "or for the purpose of making or repairing roads which shall be open to the public without charge, other than streets and highways in cities and in incorporated villages."

Fourth By striking out the words "as provided by law" in second line of section 24

Prayer by the chaplain.

Journal read and approved.

Mr. Carns offered the following resolution, which was adopted.

RESOLVED, That the auditor of state be requested to furnish this convention with an account of the school fund for the years 1874 and 1875, itemizing each appropriation made by the last legislature from this fund.

Mr. Kirkpatrick offered the following amendatory resolution, which was read and referred to the committee on state, county and municipal indebtedness.

RESOLVED, That the constitution onght to establish a maximun limit of state and county taxation.

Mr. Kirkpatrick offered the following amendatory resolution, which was read and referred to the executive committee.

RESOLVED, That the constitution ought to fix, positively and definitely, the amount of salary and perquisites to be allowed to executive, judicial and county officers, or to remit the entire subject to the legislature.

Mr. Kirkpatrick offered the following amendatory resolution, which was read and referred to the committee on legislative apportionment.

RESOLVED, That the only correct rule for apportioning representatives and senators is upon the basis of population, and any departure from that rule results in inequality of representation.

Mr. Coates offered the following resolution, which was adopted.

The convention in committee of the whole have had under consideration the article on education and report the same back with the recommendation that said article be recommitted to the committee on Education, School Funds and Lands.

O. A. ABBOTT, Chairman.

The hour having arrived of the special order for considering the report of the committee on education. on motion of Mr. Gere, the convention resolved itself into the committee of the whole house. upon the report of the committee on education, with Mr. Abbott in the chair.

After some time spent therein, the commtitee arose and by its chairman submitted the following report.

RESOLVED, That the auditor of state be requested [to] furnish to this convention a statement showing the amount of lands donated by the general government to this state. Also the amount donated by the state to each r. r. corporation, or other internal improvements up to this date.

Mr. Manderson moved that the report of the committee be recommitted to committee on education. Carried.

On motion of Mr. Gwyer, convention took recess.

After Recess.

Convention called to order by the president.

The roll was called.

PRESENT

Abbottt,	Henry,
Agur,	Hinman,
Becker,	Hopewell,
Boyd	Hunter,
Briggs,	Kendall,
Broady,	Kirkpatrick,
Brown,	Laird,
Burtch,	Manderson,
Carns,	Munger,
Clark,	Peery,
Coates	Pound,
Conner,	Powers
Cummins,	Rees,
Dawes,	Robertson,
Doom,	Rogers
Dunlap	Sauls,
Eldridge	Shedd,
Ewan,	Smith,
Foss,	Sterns,
Frady,	Stevenson,
Garber,	Thompson,
Grebe,	Thorne,
Grenell,	Vallery,
Griffing,	Van Wyck,
Gwyer,	Walther,
Hallner,	Walling,
Hamilton,	Warrington,
Harmon,	Weaver,
Harper,	Mr President
Harrington,	
Hawley,	

[McPherson, Martin Matthews, Maxwell omitted—Ed.]

ABSENT

Calhoun,	Pierce,
Gere,	Wilcox 5
Hayward,	

Mr. Laird asked leave of absence for Mr. Wilcox, which was granted.

Mr Hinman, from the committee on state, county and municipal indebtedness, offered the following article amendatory to the constitution, which was read the first time The rules were suspended, two-thirds of the members voting therefor, and the article was read a second time by its title and referred to the committee of the whole house

Mr. Gwyer, from the committee on enrollment and engrossment, submitted the following report

Mr. President, the committee on enrollment and engrossment respectfully report that they have examined the article entitled bill of rights, and find the same to be correctly engrossed.

WM A. GWYER,
Chairman

Thereupon the article entitled bill of rights was read a third time and put upon its pasage.

The question being, 'Shall the article be adopted?" those voting in the affirmative were

Abbott,	Henry,
Agur,	Hinman,
Becker,	Hopewell,
Boyd,	Hunter,
Boyd,	Kendall,
Briggs,	Kirkpatrick,
Broady,	Laird,
Brown,	McPherson,
Burtch,	Manderson,
Carns,	Martin,
Clark,	Matthews,
Coates,	Maxwell,
Conner,	Munger,
Cummins,	Peery,
Dawes,	Pound,
Doom,	Powers
Dunlap,	Rees
Eldridge,	Robertson,
Ewan,	Rogers,
Foss,	Sauls,
Frady,	Shedd,
Garber,	Smith,
Gere,	Sterns
Grebe,	Stevenson,
Grenell,	Thompson,
Griffang,	Thorne,
Gwyer,	Vallery,
Hallner,	Van Wyck,
Hamilton,	Walther,
Harper,	Walling,
Harrington,	Warrington
Hawley	Mr President 62
Hayward,	

Calhoun, Munger,
Coates, Robertson,
Conner, Rogers,
Dawes, Sauls,
Frady, Shedd,
Grebe, Smith,
Grenell, Stevenson,
Gwyer, Vallery,
Hallner, Walther,
Harper, Weaver.—30.

Those voting in the negative were

Agur, Laird,
Burtch, McPherson,
Carns, Manderson,
Clark, Matthews,
Cummins, Maxwell,
Doom, Peery,
Dunlap, Pierce,
Eldridge, Pound,
Ewan, Powers,
Foss, Sterns,
Gere, Thompson,
Griffing, Thorne,
Hamilton, Van Wyck,
Harrington, Walling,
Hawley, Warrington,
Henry, Zediker,
Hopewell, Mr. President.—35.
Hunter,

A majority of the members present voting in the negative, the amendment was lost.

The president declared section 1 adopted by consent.

Mr. Grebe ocered the following to be inserted as section 2.

The legislature may provide by law for the payment of an annual poll tax and make payment of such tax sixty days before an election a condition of the right of voting in all incorporated cities of the first and second class.

The yeas and nays being demanded, those voting in the affirmative were

Becker, Gwyer,
Briggs, Harper,
Broady, Hopewell,
Burtch, Manderson,
Clark, Matthews,
Cummins, Sterns,
Doom, Stevenson,
Eldridge, Thompson,
Ewan, Vallery,
Grebe, Walther.—21.
Griffing.

Those voting in the negative were

Abbott, Kirkpatrick,
Agur, Laird,
Boyd, McPherson,
Calhoun, Maxwell,
Carns, Munger,
Coates, Peery,
Conner, Pierce,
Dawes, Pound,
Foss, Powers,
Frady, Rees,
Gere, Robertson,
Grenell, Rogers,
Hallner, Sauls,
Hamilton, Shedd,
Harrington, Smith,
Hawley, Thorne,
Hayward, Van Wyck,
Henry, Walling,
Hinman, Weaver,
Hunter, Zediker,
Kendall, Mr. President.—41.

Absent

Brown, Robertson.
Garber, Warrington,
Rees, Wilcox.—6.

A majority of the members present voting in the negative, the amendment was lost.

The question recurring on the article as amended, it was adopted and ordered engrossed for a third reading.

On motion of Mr. Conner, the r

...of the committee on municipal ...orations was made the special ... for tomorrow at 9 30 a m.

... consent, Mr Manderson offer... the following to be incorporated ...section in the report of the com... on Education which was read ... referred to the committee on ...ation [Section not supplied -

... following communication was ...ived from the state auditor and ...red to the committee on Educa... [Communication not supplied

... motion of Mr Hinman, conven... adjourned at 5 30 until to... ...ow morning at 10 o'clock.

Fourteenth Day.

...in. Thursday May 27th, 1875. ...nvention met pursuant to ad... ...nment and was called to order ...he President

...oll called

PRESENT.

...tt,	Frady,
...,	Garber,
...er,	Gere
...l,	Grebe,
...s,	Grenell,
...dy,	Griffing,
...rn,	Gwyer
...ch,	Hallnel,
...nn,	Hamilton,
...s,	Harper,
...k,	Harrington,
...s,	Hawley,
...ler,	Hayward
...kins,	Henry
...n,	Hinman,
...n,	Hopewell,
...ter	Hunter
...dge,	Kendall
...h,	Kirkpatrick,
...	Laird,
	McPherson,
	Manderson,
	Martin,
	Matthews,
	Maxwell,
	Munger,
	Peery,
	Pierce,
	Pound
	Powers,
	Rees,
	Robertson,
	Rogers,
	Sauls
	Shedd,
	Smith,
	Sterns,
	Stevenson,
	Thompson,
	Thorne,
	Vallery,
	Van Wyck,
	Walther,
	Walling
	Warrington,
	Weaver,
	Wilcox
	Zediker,
	Mr President 69

Prayer by Rev W E Copeland

Journal read and approved

Mr McPherson, from the committee on internal improvements offered the following article amendatory to the constitution, which was read the first time [Article not supplied - Ed] The rules were suspended, two-thirds of the members voting therefor, and the article was read a second time by its title and referred to the committee of the whole house.

The following communication was received from the auditor of state and read

Hon J L Webster President Constitutional Convention

SIR Accompanying the resolution in regard to the school funds, I have the honor to acknowledge the receipt of a second resolution calling for a statement of 'the amount of lands donated by the general government to this state Also the amount donated by the state to each railroad or other internal improvements up to this date '

The land commissioner is charged with the custody of the school, uni-

versity and agricultural college lands. by the provisions of sec. 7 of the enabling act, section 16 and 36 in every congressional township, or other sections in lieu thereof, were granted by the general government to this state for the support of common schools. This grant covers one-eighteenth of the entire donation.

Seventy-two (72) sections of university lands were granted to the state and 71 3-8 sections have been selected and confirmed. Ninety thousand (90,000) acres of agricultural college lands were granted, and 89,459 90-100 acres selected and confirmed.

None of the above lands have been donated by the state to any railroad or other internal improvement; and this office contains no record of any disposition whatever of any of the university or agricultural college lands.

The saline, internal improvement, public buildings, and pentitentiary lands were placed by law under the custody and control of the governor, whose department contains the books and records pertaining thereto.

Yours respectfully,
J. B. WESTON,
Auditor of State.

On motion of Mr. Pierce, the consideration of the special order on th ereport of the committee on municipal corporations was postponed until tomorrow morning.

Mr. Weaver moved to adjourn until 2 o'clock this p. m.; which was lost.

On motion of Mr. Boyd, the convention resolved itself into a committee of the whole house upon the report of the judiciary committee, with Mr. Kirkpatrick in the chair.

After some time spent therein, the committee arose and, by its chai man, reported progress and ask leave to sit again.

On motion, adjourned until : o'clock p. m.

Afternoon Session.

The convention was called to order by the president.

Roll called;

PRESENT.

Abbott,	Hopewell,
Agur,	Hunter,
Becker,	Kendall,
Boyd,	Kirkpatrick,
Briggs,	Laird,
Broady,	McPherson,
Brown,	Manderson,
Burtch,	Martin,
Calhoun,	Matthews,
Carns,	Maxwell,
Clark,	Munger,
Coates,	Peery,
Conner,	Pierce,
Cummins,	Pound,
Dawes,	Powers,
Doom,	Rees,
Dunlap,	Robertson,
Eldridge,	Rogers,
Ewan,	Sauls,
Foss,	Shedd,
Frady,	Smith,
Garber,	Sterns,
Gere,	Stevenson,
Grebe,	Thompson,
Grenell,	Thorne,
Griffing,	Vallery,
Gwyer,	Van Wyck,
Hallner,	Walther,
Hamilton,	Walling,
Harper,	Warrington,
Harrington,	Weaver,
Hawley,	Wilcox,
Hayward,	Zediker,
Henry,	Mr. President.
Hinman,	[—69.

Mr. Brown moved that two hundre copies of the report of the auditor o

e be printed for the use of the vention.

Mr. Abbott moved that the report he auditor of state be referred to committee on printing; which mo- was lost.

The question recurring upon the tion of Mr. Brown, it was agreed and two hundred copies of audi- report ordered printed.

Mr. Robertson moved to reconsid- the vote by which the article on ht of suffrage was ordered to be rossed

The yeas and nays being demanded, he voting in the affirmative were

bott,	Laird,
ker,	Martin,
wn,	Munger,
tes,	Rees,
ner,	Robertson,
es,	Shedd
dy,	Stevenson,
ber,	Van Wyck
be,	Waltner,
ell,	Warrington,
ner,	Weaver,
ward,	Wilcox,
man,	Mr President 27
dall,	

Those voting in the negative were

r,	Henry
d,	Hopewell,
es,	Hunter
ady,	Kirkpatrick,
tch,	McPherson,
s,	Manderson,
k,	Matthews,
mins,	Maxwell,
m,	Perry,
lap,	Pope
ridge,	Pound,
n,	Powers,
,	Sauls
ing,	Sterns,
yer,	Thompson
Hamilton,	Thorne,
Harper,	Vallery,
Harrington,	Walling,
Hawley,	Zediker 38

Absent.

Calhoun,	Rogers,
Gere,	Smith, 4

On motion of Mr. Manderson, the convention resolved itself into a committee of the whole house to take into consideration the report of the judiciary committee, with Mr. Kirkpatrick in the chair

After some time spent therein, the committee arose and by its chairman reported progress and asked leave to sit again

Mr Manderson moved that the convention adjourn until 7 30 this p. m

Mr Gwyer moved to amend by inserting 9 o'clock tomorrow morning, which amendment was agreed to

Thereupon, at 6 o'clock p. m., the convention stood adjourned

Fifteenth Day.

Lincoln, Friday, May 28th, 1875

The convention met pursuant to adjournment and was called to order by the president

The roll was called and there were

PRESENT

Abbott,	Hinman,
Agur,	Hopewell,
Becker,	Hunter
Boyd,	Kendall
Briggs	Kirkpatrick,
Broady,	Manderson,
Brown	Martin,
Burtch,	Matthews,
Calhoun,	Maxwell
Carns,	McPherson,

Clark, Munger,
Coates, Peery,
Conner, Pierce,
Cummins, Pound,
Dawes, Powers,
Doom, Rees,
Dunlap, Robertson,
Eldridge, Rogers,
Ewan, Sauls,
Foss, Shedd,
Frady, Smith,
Garber, Sterns,
Gere, Thompson,
Grebe, Thorne,
Grenell, Vallery,
Griffing, Van Wyck,
Gwyer, Walther,
Hallner, Walling,
Hamilton, Warrington,
Harper, Weaver,
Harrington, Wilcox,
Hawley, Zediker,
Hayward, Mr.President.—67.
Henry,

Absent,

Laird, Stevenson,

Prayer by Rev. W. E. Copeland.

Journal read and approved.

Mr. Walther, from the committee on education, school funds and lands reported the following additional section to the article amendatory to the constitution, which was read a first and second time and referred to the committee of the whole.

Mr. President, your committee on education, school funds and lands to whom was recommitted their former report respectfully submit that they have conferred with the committee appointed by the teachers and educators of the state and report to the convention a substitute for section ten in their first report, as proposed by the committee with whom they have conferred. Your committee has also had under consider tion sundry resolutions to them r ferred and hereby recommend t insertion of the following section, wit:

No teacher, state, county, tow ship or district school officer shall interested in the sale, proceeds profit of any book, apparatus furniture used or to be used, in t school of this state, with which s officer or teacher may be connect under such penalties as may be p vided by the legislature.

CHARLES WALTHER,
Chai
R. B. HARRINGTON.
WM. GWYER
W. H. MUNGER,
J. W. DAWES,
M. R. HOPEWELL.

Sec. 10. The general contr all the educational institutions o state shall be vested in a state b of education consisting of six m bers who shall be chosen by the tors of the state at large, and term of office, except those ch at the first election as hereafter vided, shall be six years.

Mr. Hayward moved the repor committee on education be or not printed and referred to the mittee of the whole house a same time with the article on e tion; which motion prevailed.

The following communication the auditor of state was receive read.

Lincoln, May 28,

Hon. J. L. Webster, Preside Constitutional Convention.

Sir: My statement transmitt your honorable body, in respon a resolution of the 21st inst., a that "the auditor of state be requ to furnish this convention a state

mount of indebtedness of the
the present time," did not
the following item, which
rlooked and is now offered
lemental thereto, viz:

of the state of Nebraska
date March 1st, 1875, and
in pursuance of an act of
lature, entitled "An act for
ing of state bonds for the
of procuring seed for the
of counties devastated by
ppers, during the year 1874,
d February 17th, 1875,
ing to $50,000 and payable
years from date of bonds, in
of New York, with interest
rate of 10 per cent payable
ually in July and January
mbered from 1 to 50

Respectfully submitted,
J B WESTON,
Auditor of State.

otion of Mr Gere, the special
or consideration of the article
icipal corporations was post
until Tuesday, June 1st, at
m.

s. Stevenson, Brown, Thomp-
alling, and Matthews asked
d received leave of absence

otion of Mr Broady, the con-
resolved itself into the com-
of the whole house for further
ration of the report of the
ry committee, with Mr Kirk-
in the chair.

r some time spent therein the
tee arose and, by its chairman,
ted the following report

President, the convention, in
committee of the whole have
der consideration the article
d The Judicial Department,
port the same back with the
ng amendments

First. By striking out the word six in line 3 of section 10 and inserting the word four

Second By striking out $3,000, in line 1 of section 13, and inserting $2,500.

Third. By amending section 14 to read as follows

Sec. 14 No judge of the supreme court or district court shall receive any other compensation perquisite or benefit in any form whatsoever, from the state, nor act as attorney or counsellor at law in any manner whatever, nor shall any salary be paid to any county judge.

Fourth Strike out section 20

Fifth That sec 24 be recommitted to the judiciary committee.

Sixth That the words "two," "four" and "six," in section 5, be stricken out

L M KIRKPATRICK,
Chairman

On motion of Mr. Calhoun the convention adjourned until 2 o'clock.

Afternoon Session.

The convention was called to order by the president

The roll was called

PRESENT

Agur,	Hinman,
Becker,	Hopewell,
Boyd,	Hunter,
Briggs,	Kendall,
Brondy	Kirkpatrick
Burtch,	Laird,
Carns,	McPherson
Clark,	Manderson,
Coates,	Martin,
Conner,	Maxwell,
Cummins,	Munger,
Dawes,	Perry,
Doom,	Pierce,
Dunlap,	Pound,
Eldridge,	Powers,

Ewan, Rees,
Foss, Robertson,
Frady, Sauls,
Gere, Smith,
Grebe, Sterns,
Grenell, Thorne,
Griffing, Vallery,
Gwyer, Van Wyck,
Hallner, Walther,
Hamilton, Warrington,
Harper, Weaver,
Harrington, Wilcox,
Hawley, Zediker,
Hayward, Mr.President.—59.
Henry,

ABSENT.

Abbott, Rogers,
Brown, Shedd,
Calhoun, Stevenson,
Garber, Thompson,
Matthews, Walling.—10.

Mr Maxwell, from the judiciary committee, submitted the following report:

Mr. President, the committee on judiciary have had under consideration section 24 of the article entitled The Judicial Department and report the same back to the convention, and recommend the adoption thereof without amendment.

SAMUEL MAXWELL.
Chairman.

Mr. Conner offered the following resolution, which was adopted.

RESOLVED, That the president and secretary of this convention be, and they are hereby instructed to draw vouchers for J. F. Zediker for the full amount of per diem and mileage to which he would have been entitled if he had obtained his seat without contest.

Mr. Broady moved that Mr. Harmon be allowed pay for the time he served as a member of this body. Which motion prevailed.

The question being upon the report of the committee of the whole house on the judiciary article, the first amendment was adopted.

The yeas and nays were demanded on the second amendment, those voting in the affirmative were

Agur, Henry,
Becker, Hopewell,
Broady, Hunter,
Burtch, Kirkpatrick,
Clark, Laird,
Coates, Martin,
Cummins, Peery,
Dawes, Pierce,
Eldridge, Pound,
Ewan, Powers,
Foss, Sauls,
Garber, Smith,
Grebe, Thorne,
Grenell, Vallery,
Griffing, Van Wyck,
Gwyer, Walther,
Hamilton, Weaver,
Hayward, Zediker.—36.

Voting in the negative

Boyd, Kendall,
Briggs, McPherson,
Calhoun, Manderson,
Doom, Munger,
Frady, Rees,
Hallner, Robertson,
Harper, Sterns,
Harrington, Warrington,
Hawley, Wilcox,
Hinman, Mr.President.—

[Conner and Maxwell omitte
Ed.]

Absent or not voting

Abbott, Rogers,
Brown, Shedd,
Carns, Stevenson,
Dunlap, Thompson,
Gere, Walling.—11.
Matthews,

A majority of the members vo
therefor, the second amendment
adopted.

Mr. Maxwell moved to strike
the words "from the state," in

ent reported by the com-
f the whole house.

'ound moved as an amend-
strike out the words "from
'," and insert, after the word
" in the second line of said
the words "for or on account
fice.

axwell called for a division
uestion on the amendment.

uestion being upon the re-
f the words "from the state,"
lost and said words were
out.

uestion being upon the in-
of the words "for or on ac-
his office," it was carried
l words inserted.

ird amendment was adopted.
ourth amendment was adopt-

Manderson moved that the
endment as reported by the
ee of the whole house be not
d in, and that section 24,
d, be adopted; which motion
l, and the fifth amendment
.

xth amendment was adopted.
anderson moved the follow-
ndment, which was adopted.

fter sec. 9 of the judiciary
'and the judges thereof may
ersons charged with felony
lea of guilty and pass such
as may be prescribed by

was adopted as amended.

amilton moved to amend
10 by striking out the word
on in the fifth line and add-
ing the same to the 7th line.

The years and nays being demanded, those voting in the affirmative were

Clark,	Henry,
Coates,	Hunter,
Conner,	Laird,
Cummins,	Sauls,
Doom,	Thorne,
Foss,	Van Wyck,
Hallner,	Warrington,
Hamilton,	Wilcox.—17.
Harrington,	

Those voting in the negative were

Agur,	Kirkpatrick,
Becker,	Manderson,
Boyd,	Martin,
Briggs,	Maxwell,
Broady,	McPherson,
Burtch,	Munger,
Calhoun,	Peery,
Dawes,	Pierce,
Eidridge,	Pound,
Frady,	Powers,
Garber,	Rees,
Grebe,	Robertson,
Grenell,	Smith,
Griffing,	Sterns,
Gwyer,	Vallery,
Harper,	Walther,
Hawley,	Weaver,
Hayward,	Zediker,
Hinman,	Mr.President.—40
Hopewell,	
Kendall,	

Absent,

Abbott,	Matthews,
Brown,	Rogers,
Carns,	Shedd,
Dunlap,	Stevenson,
Ewan,	Thompson,
Gere,	Walling.—12.

A majority of the members voting in the negative, the amendment was lost.

Mr. Cummins offered the following amendment which was lost.

Sec. 10. Amend by striking out the words "Saunders, Dodge," in the ninth line, and insert the word Saunders after the word Burt, in the eighth line, and insert the word Dodge in the 15th line after the word Valley.

Mr. Laird moved to amend section 10 by adding, after the word Valley, the words "and the unorganized territory of the state of Nebraska, west of the counties of Valley, Boone, Antelope, and Holt." Also, to amend by inserting after the word Frontier, the words "and unorganized territory west of Frontier county;" which amendment was adopted.

On motion of Mr. Martin, the vote adopting section 9 was reconsidered,

Mr. Martin offered the following as a substitute to section 9, which was adopted.

That the district courts shall have both chancery and common law jurisdiction, and such other jurisdiction as the legislature may provide, and the judges thereof shall admit persons charged with felony to a plea of guilty and pass such sentence as may be prescribed by law.

Mr. Pound moved to amend sec. 11 by striking out all after the word may in second line, to and including the word state, in line 4, and insert the following: "in and after the year one thousand eight hundred and seventy-nine, but not oftener than once in every four years, increase or diminish the number of the judges of the supreme court and of the district courts and of the judicial districts;" which amendment was lost.

Mr. Weaver moved to amend by striking out the words "and every five years thereafter," in the third line, and insert the words, "in or after," in the second line.

Mr. Boyd moved to divide the question, which was agreed to, and the amendment to insert the words "in or after" was adopted.

The question to strike out the words 'Every five years thereafter' was lost.

On motion of Mr. Rees, the word five was stricken out of the third line, and the word, four inserted in lieu thereof.

Mr. Warrington moved to strike out the words "every four years thereafter" and insert "not oftener than every four years." Which was agreed to.

Section 11 was adopted as amended.

The article as amended was adopted and ordered engrossed for a third reading.

The committee on engrossment and enrollment submitted the following report, by its chairman:

Mr. President, the committee on enrollment and engrossment respectfully report that they have examined the article entitled Right of Suffrage and find the same to be correctly engrossed.

WILLIAM A. GWYER.
Chairman

The article reported by the committee on the right of suffrage was read a third time and put upon its passage.

. The question being, Shall the article be adopted? those voting in the affirmative were

Abbott,	Hunter,
Agur,	Laird,
Becker,	Martin,
Boyd,	Maxwell,
Broady,	McPherson,
Burtch,	Munger,
Clark,	Peery,
Conner,	Pierce,
Cummins,	Pound,
Doom,	Powers,
Dunlap,	Rees,
Ewan,	Sauls,
Foss,	Smith,
Gere,	Thorne,
Griffing,	Van Wyck,
Gwyer,	Warrington,
Hamilton,	Weaver,
Harper,	Wilcox,
Harrington,	Zediker,
Hawley,	Mr.President.—41
Hopewell,	

Those voting in the negative were

Briggs,	Hayward,
Calhoun,	Henry,
Coates,	Hinman,
Dawes,	Kendall,
Eldridge,	Kirkpatrick,
Frady,	Manderson,
Garber,	Robertson,
Grebe,	Sterns,
Grenell,	Vallery,
Hallner,	Walther.—20.

Absent and not voting,

Brown,	Shedd,
Carns,	Stevenson,
Matthews,	Thompson,
Rogers,	Walling.—8.

A majority of the members voting therefor, the article on the right of suffrage was adopted and referred to the committee on revision and adjustment.

By consent, Mr. Doom offered the following amendment to the article on judiciary, which was adopted.

[Amendment not supplied.—Ed.]

On motion of Mr. Hayward, the convention resolved itself into the committee of the whole house upon the consideration of the article reported by the committee on education, school funds and lands, with Mr. Abbott in the chair.

After some time spent therein, the committee arose and, by its chairman, reported progress, and asked leave to sit again at 9:30 tomorrow morning.

Mr. Boyd moved that when the convention adjourn tomorrow forenoon, it be until Monday at 3 o'clock p. m. Motion lost.

Mr. Gwyer moved that when the convention adjourn tomorrow forenoon, it be until Monday afternoon at 3:30 o'clock. Which motion prevailed.

Mr. Van Wyck offered the following resolution, which was lost.

RESOLVED, That this convention adjourn sine die at ten o'clock Saturday June 5, 1875.

Mr. Dunlap asked for and received leave of absence.

On motion, the convention adjourned at 6:25 p. m. until Monday afternoon at 3:30.

Sixteenth Day.

Lincoln, Saturday, May 29, 1875.

The convention met pursuant to adjournment, and was called to order by the president.

The roll was called and there were

PRESENT

Abbott,	Henry,
Agur,	Hinman,
Becker,	Hopewell,
Boyd,	Hunter,
Briggs,	Kendall,
Broady,	Kirkpatrick,
Burtch,	Laird,
Calhoun,	McPherson,
Coates,	Manderson,
Conner,	Matthews,
Cummins,	Maxwell,
Dawes,	Munger,
Doom,	Peery,
Dunlap,	Pierce,
Eldridge,	Pound,
Ewan,	Powers,
Foss,	Rees,
Frady,	Robertson,
Garber,	Sauls,
Gere,	Smith,
Grebe,	Sterns,
Grenell,	Thorne,
Griffing,	Vallery,
Gwyer,	Van Wyck,
Hallner,	Walther,
Hamilton,	Warrington,
Harper,	Wilcox,
Harrington,	Zediker,
Hawley,	Mr. President.—59.
Hayward,	

ABSENT

Brown,	Shedd,
Carns,	Stevenson,
Clark,	Thompson,
Martin,	Walling,
Rogers,	Weaver.—10.

Prayer by Rev. J. W. Alexander.

Journal read and approved.

Mr. Abbott offered the following resolution, which was adopted.

RESOLVED, That the per diem of members and employees be computed from the first day of the session consecutively.

On motion of Mr. Maxwell, the special order for the consideration of the article reported by the com on education, school funds and was postponed until Tuesday at a. m.

On motion of Mr. Maxwell, th vention resolved itself into the mittee of the whole house on t port of the executive committee Mr. Gwyer in the chair.

After some time spent there committee arose and by its cha reported progress and asked le sit again.

Mr. Gere, from the commit miscellaneous subjects, offere following article amendatory constitution, which was read th time.

[Article not supplied.—Ed.]

The rules were suspended, thirds of the members voting for, and the article was read ond time by title and refer the committee of the whole ho

Mr. Griffing offered the ing resolution, which was ad

RESOLVED, That this conv do recommend that the frier education meet in this hall. o'clock p. m., to discuss our tional interests.

On motion of Mr. Gwyer, th vention adjourned until 3:30 Monday, May 31st.

Seventeenth Day.

Lincoln, Monday, May 31, 3 o'clock.

The convention met pursuant journment and was called to by the president.

he roll was called and there were

PRESENT

ott,	Henry,
r,	Hinman,
ker,	Hopewell,
d,	Hunter,
ady,	Kendall,
wn,	Kirkpatrick,
tch,	Laird,
ioun,	McPherson,
is,	Manderson,
k,	Maxwell,
es,	Munger,
ner,	Peery,
mins,	Pierce,
es,	Pound,
n.	Rees,
n,	Rogers,
,	Sauls,
ly,	Shedd,
ber,	Smith,
e,	Sterns,
nell,	Thorne,
ing,	Vallery,
er,	Van Wyck,
lner,	Walther,
nilton,	Warrington,
ber,	Wilcox,
rington,	Zediker,
ley.	Mr.President.- 57.
ward,	

ABSENT.

gs,	Powers,
lap,	Robertson,
ridge,	Stevenson,
,	Thompson,
tin,	Walling,
hews.	Weaver.- 12.

rayer by Rev. Davis.

ournal read and approved.

r. Maxwell moved that the presi- be authorized to add three mem- to the committee on revision and stment: which was agreed to.

r. Laird moved that the conven- adjourn until 9 o'clock tomor- morning.

r. Conner moved to amend by in- serting the words 8 o'clock; which amendment was concurred in, and the question recurring on the original motion, as amended, it was lost.

On motion of Mr. Manderson, the convention resolved itself into a committee of the whole house on the article reported by the committee on municipal corporations, with Mr. Hinman in the chair.

After some time spent therein, the committee arose and, by its chairman submitted the following report:

Mr. President, the convention, in committee of the whole, have had under consideration the article on municipal corporations and report the same back with the following amendments.

1st. Strike out section 1.

2nd. Strike out the word individual in third line, second section, and all of said section after the word association, in line four of said section.

3rd. Strike out all of sections 3, 4, 5, and 6.

4th. Strike out proposition to be separately submitted.

B. I. HINMAN,
Chairman.

The question being upon adopting the article as amended in the committee of the whole house, the yeas and nays were demanded.

Those voting in the affirmative were

Abbott,	Henry,
Agur,	Hinman,
Becker,	Hunter,
Boyd,	Kendall,
Broady,	Kirkpatrick,
Calhoun,	Laird,

Harper, Harrington, Hawley, Hayward, Henry, Hinman, Hopewell, Hunter, Kendall, Kirkpatrick, Laird, McPherson, Martin, Maxwell, Munger, Peery, Pierce, Pound, Rees, Robertson, Sauls, Shedd, Sterns, Thorne, Vallery, Van Wyck, Walther, Walling, Warrington, Weaver, Wilcox, Zediker, Mr. President.—59.

Those voting in the negative were

Manderson.—1.

Absent,

Briggs, Doom, Dunlap, Matthews, Powers, Rogers, Smith, Stevenson, Thompson.—9.

A majority of the members present voting therefor, consideration of the article entitled Judicial Department was adopted and referred to the committee on revision and adjustment.

The article entitled, Municipal Corporations, having been reported as correctly engrossed, was read a third time and put upon its passage.

The question being, Shall the article be adopted? those voting in the affirmative were

Abbott, Agur, Becker, Boyd, Broady, Brown, Burtch, Carns, Clark, Coates, Conner, Cummins, Dawes, Eldridge, Ewan, Foss, Frady, Garber, Gere, Grebe, Grenell, Griffing, Gwyer, Hallner, Hamilton, Harper, Harrington, Hawley Hayward, Henry, Hinman, Hopewell, Hunter, Kendall, Kirkpatrick, Laird, McPherson, Manderson, Martin, Maxwell, Munger, Peery, Pierce, Pound, Rees, Robertson, Sauls, Shedd, Sterns, Thorne, Vallery, Van Wyck, Walther, Warrington, Weaver, Wilcox, Zediker, Mr. President.—5

Voting in the negative—none.

Absent,

Briggs, Calhoun, Doom, Dunlap, Matthews, Powers, Rogers, Smith, Stevenson, Thompson, Walling.—11.

A majority of the members vot therefor, the article entitled Mu cipal Corporations was adopted a referred to the committee on re ion and adjustment.

Messrs. Briggs and Smith w granted leave of absence.

On motion of Mr. Hayward, convention went into a committe the whole house, on the execu article, with Mr. Gwyer in the ch

After some time spent therein. committee arose, and, by its ch man, reported progress and as leave to sit again.

n motion, adjourned until two ock this p. m.

Afternoon Session.

he convention was called to order he president.

oll called,

PRESENT.

ott,	Hawley,
r,	Hayward,
ker,	Henry,
d,	Hinman,
gs,	Hunter,
ady,	Kendall,
wn,	Kirkpatrick,
tch,	Laird,
k,	McPherson,
ner,	Maxwell,
mins,	Munger,
es,	Peery,
m,	Pierce,
lap,	Pound,
idge,	Rees,
n,	Sauls,
,	Shedd,
ly,	Smith,
ber,	Sterns,
,	Thorne,
be,	Vallery,
nell,	Van Wyck,
fing,	Walther,
lner,	Weaver,
nilton,	Wilcox,
per,	Zediker,
rington,	Mr. President. --54.

ABSENT.

noun,	Powers,
ns,	Robertson,
tes,	Rogers,
er,	Stevenson,
ewell,	Thompson,
derson,	Walling,
tin,	Warrington.—15.
thews,	

r. Zediker offered the following lution:

ESOLVED, That the secretary of state be directed to furnish the necessary oil and wicks to light the convention hall for night sessions.

The question being upon the adoption thereof, it was decided in the negative.

On motion of Mr. Maxwell, the convention resolved itself into a committe of the whole house, upon the executive article, with Mr. Gwyer in the chair.

After some time spent therein, the committee arose and, by its chairman, submitted the following report:

Mr. President, the convention, in committee of the whole, have had under consideration the article on Executive and made the following amendments thereto:

1st. Strike out the words "the first day of January" in lines 4 and 5, section 1, and leave the same blank.

2d. Strike out from the word state in line 3, of sec. 2, down to and including the word buildings, in line 6 and inserting the words, "one of the officers of the executive department."

3d. By striking out all after the word pardon, in line 11 of section 13.

4th. Strike out the words "but the vote necessary to repass such bill shall not be less than that required on the original passage in each house," in lines 10, 11 and 12, in section 15.

5th. Strike out the words "the expiration of the terms of those in office at," in line 2 of sec. 24.

6th. Amend section 24, commencing at line 7, to read as follows:

The salary of the governor shall

amendment relative to the salary of the secretary of state, Mr. Manderson moved to strike out the words "three thousand five hundred dollars:" which was decided in the negative.

The question recurring upon the amendment relative to the salary of the secretary of state, it was adopted.

The question being upon the amendment relative to the salary of the auditor of public accounts, Mr. Doom moved to strike out the words "three thousand five hundred dollars" and insert, in lieu thereof, the words "five thousand dollars." A division being called for, the motion to strike out was decided in the negative.

The question recurring upon the amendment relative to the salary of the auditor of public accounts, it was adopted.

The question being upon the amendment relative to the salary of the treasurer, Mr. Robertson moved to strike out the words "three thousand five hundred dollars" and insert, in lieu thereof, the words "five thousand dollars."

A division being called for, the motion to strike out was disagreed to.

The question recurring upon the amendment relative to the salary of the treasurer, it was adopted.

On motion the report relative to the salary of the superintendent of public instruction was adopted.

Mr Brown moved to strike out the words "two thousand dollars," relative to the salary of the attorney general, and insert, in lieu thereof, the words "two thousand five hundred dollars."

A division being called for, the motion to strike out was decided in the negative, and the report relative to the salary of the attorney general was adopted.

The report relative to the salaries of the commissioner of public lands and lieutenant governor was adopted

The question being upon the adoption of the proviso to section 24, Mr. Boyd moved the following amendment to section 24:

PROVIDED, That the legislature may by general law readjust the said salaries, which amendment was disagreed to.

Mr. Hayward moved the following amendment to section 24:

PROVIDED, That after the expiration of five years from the adoption of this constitution, and not oftener than once in every five years thereafter, the legislature may, by general law, readjust said salaries, which was adopted.

The seventh and eighth amendments were concurred in.

The question being upon the article as amended, Mr. Doom moved to strike out of section 1 the words "superintendent of public instruction."

Mr. Boyd moved to lay the foregoing amendment on the table

The yeas and nays being demanded, those voting in the affirmative were

ott, Manderson,
ker, Maxwell,
d, Munger,
ady, Pierce,
ner, Pound,
dy, Rees,
ber, Robertson,
e, Shedd,
be, Smith,
nell, Sterns,
ger, Stevenson,
per, Thorne,
rington, Walther,
ward, Walling,
ewell, Warrington,
dall, Zediker.—32.

hose voting in the negative were

r, Hawley,
wn, Henry,
tch, Hinman,
ns, Hunter,
k, Kirkpatrick,
tes, Laird,
mins, Martin,
ves, Peery,
m, Rogers,
ridge, Sauls,
an, Thompson,
s, Vallery,
fing, Van Wyck,
lner, Weaver,
nilton, Mr.President.—30.

bsent,

ggs, Matthews,
noun, Powers,
lap, Wilcox.—7.
Pherson,

majority of the members pres- voting in the affirmative, the mo- to lay on the table was agreed Mr. Doom moved to strike from first section the words "com- sioner of public lands."

he yeas and nays being demand- those voting in the affirmative e

Brown, Hinman,
Carns, Hunter,
Clark, Kendall,
Coates, Kirkpatrick,
Conner, Laird,
Cummins, Martin,
Doom, Peery,
Ewan, Robertson,
Frady, Sauls,
Hamilton, Smith,
Harrington, Van Wyck,
Henry, Weaver.—24.

Those voting in the negative were

Abbott, Matthews,
Agur, Maxwell,
Becker, Munger,
Boyd, Pierce,
Broady, Pound,
Burtch, Rees,
Dawes, Rogers,
Foss, Shedd,
Garber, Sterns,
Griffing, Stevenson,
Gwyer, Thompson,
Hallner, Thorne,
Harper, Vallery,
Hawley, Walther,
Hayward, Walling,
Hopewell, Warrington,
McPherson, Zediker,
Manderson, Mr.President.—39.

[Brown, Gere and Grebe omitted. —Ed.]

Absent,

Briggs, Eldridge,
Calhoun, Powers,
Dunlap, Wilcox.—6.

A majority of the members present voting in the negative, the motion to strike out was disagreed to.

The question recurring upon the adoption of section 1, it was adopted.

On motion of Mr. Warrington, the convention adjourned until 2 o'clock p. m.

Afternoon Session.

The convention was called to order by the president.

The roll was called.

PRESENT

Abbott,	Hinman,
Agur,	Hopewell,
Becker,	Hunter,
Boyd,	Kendall,
Broady,	Kirkpatrick,
Brown,	Laird,
Burtch,	McPherson,
Carns,	Manderson,
Clark,	Martin,
Coates,	Matthews,
Conner,	Munger,
Cummins,	Peery,
Dawes,	Pierce,
Doom,	Pound,
Eldridge,	Rees,
Ewan,	Robertson,
Foss,	Rogers,
Frady,	Sauls,
Garber,	Smith,
Gere,	Sterns,
Grebe,	Stevenson,
Grenell,	Thompson,
Griffing,	Vallery,
Gwyer,	Van Wyck,
Hallner,	Walther,
Hamilton,	Walling,
Harper,	Warrington,
Harrington,	Weaver,
Hawley,	Zediker,
Hayward,	Mr. President.—61.
Henry,	

ABSENT.

Briggs,	Powers,
Calhoun,	Shedd.
Dunlap,	Thorne,
Maxwell,	Wilcox.—8.

The convention resumed the consideration of the article reported by the executive committee.

The question being upon the adoption of section 2, Mr. Weaver moved to recommit the article t executive committee.

Mr. Abbott moved as an a ment to recommit sec. 24 to the utive committee; which was agreed to.

The question recurring upo original motion, it was decid the affirmative and the articl recommitted.

Mr. Manderson moved to t recess of one hour; which wa agreed to.

On motion of Mr. Maxwell the vention resolved itself into a mittee of the whole house o articles on railroad corporations internal improvements, with Laird in the chair.

After some time spent therein committee arose and, by its chair submitted the following reports.

Mr. President, the convention committee of the whole, have under consideration the articl Railroad Corporations and amen the same as follows:

1st. Insert the words "or of United States", after the word s in line 2 of section 1.

2d. Insert the words "or graph company" after the word poration, in line 1 of sectio and line 2 of section 3.

3d. Insert the words "or ings in whole or in part" after word franchise in line 1 of tion 3.

4th. Strike out all after word individuals, in line 4 of tion 6.

h. Strike out the words "the
s of freight and passenger tar-
on the different railroads," in
3 of section 7, and insert the
wing words: "all charges of ex-
s, telegraph and railroad com-
es."

h. By adding the following
on to said article:

) railroad corporations organiz-
nder the laws of any other state
f the United States and doing
ness in this state shall be enti-
to exercise the right of emin-
domain or have power to ac-
e the right of way or real estate
depot or other uses, until it
have become a body corporate
uant to and in accordance with
laws of this state.

ie committee of the whole have
had under consideration the
le on internal improvements and
·t the same back with the re-
nendation that section one be
·red to committee of the whole
e further considered with the
le on state, county and munici-
indebtedness, and that [the]
ice of said article be stricken

JAS. LAIRD,
Chairman.

e question being upon concur-
e in the amendments to the arti-
on railroad corporations, as re-
d back by the committee of the
e house, the 1st, 2d, 3d, 4th, 5th,
6th amendments were concurred

ie question being on the adop-
of the article, Mr. Hinman mov-
o strike out all after section
which was disagreed to.

·. Broady moved to strike out
on 7, which was disagreed to.

The article on Railroad Corporations was adopted and ordered engrossed for a third reading.

The recommendation of the committee of the whole house relative to the article on Internal Improvements was concurred in.

On motion of Mr. Boyd, the convention adjourned at 5:15 o'clock until tomorrow morning at 9 o'clock.

TWENTIETH DAY.

Lincoln, Thursday, June 3, 1875.

The convention met pursuant to adjournment and was called to order by the president.

The roll was called and there were

PRESENT

Abbott,	Hinman,
Agur,	Hopewell,
Becker,	Hunter,
Boyd,	Kendall,
Briggs,	Kirkpatrick,
Broady,	Laird,
Brown,	McPherson,
Burtch,	Manderson,
Calhoun,	Martin,
Carns,	Matthews,
Clark,	Maxwell,
Coates,	Munger,
Conner,	Peery,
Cummins,	Pierce,
Dawes,	Pound,
Doom,	Powers,
Dunlap,	Rees,
Eldridge,	Robertson,
Ewan,	Rogers,
Foss,	Sauls,
Frady,	Hallner,
Garber,	Hamilton,
Gere,	Harper,
Grebe,	Harrington,
Grenell,	Hawley,
Griffing,	Hayward,
Gwyer,	Henry,

the section or sections so amended shall be repealed.

The presiding officer of each house shall sign, in the presence of the house over which he presides, while the same is in session, and capable of transacting business, all bills and concurrent resolutions passed by the legislature.

Sec. 12. Members of the legislature in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the legislature, and for fifteen days next before the commencement and after the termination thereof.

Sec. 13. No person elected to the legislature shall receive any civil appointment within this state from the governor and senate, or from the legislature, during the term for which he has been elected. And all such appointments, and all votes given for any such member for any office or appointment, shall be void. Nor shall any member of the legislature, or any state officer be interested, either directly or indirectly, in any contract with the state, county, or city authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

Sec. 14. The senate and house of representatives, in joint convention, shall have the sole power of impeachment, but a majority of the members elected must concur therein.

Upon the entertainment of a resolution to impeach by either house, the other house shall at once be notified thereof, and the two houses shall meet in joint convention for the purpose of acting upon such resolution within three days of such notification.

A notice of an impeachment of any officer, other than a justice of the supreme court, shall be forth served upon the chief justice by secretary of the senate, and he s thereupon call a session of the preme court to meet at the ca within ten days of such notic try the impeachment.

A notice of an impeachment justice of the supreme court s be served by the secretary of senate upon the judge of a dis court within which the capito located, and he thereupon shall n all the judges of the district c in the state to meet with him wi thirty days at the capital to sit court to try such impeachm which court shall organize by elec one of their number to preside.

No person shall be convicted w out the concurrence of two-third the members of the court of peachment; but judgment in c of impeachment shall not extend ther than to remove from office disqualification to hold and enjoy office of honor, profit or trust in state, but the party suspen whether convicted or acquitted, s nevertheless be liable to prosecu and punishment according to law

No officer shall exercise his of duties after he shall have been peached and notified thereof unt shall have been acquitted.

Sec. 15. The legislature shall pass local or special laws in an the following cases; that is to

For granting divorces.

Changing the names of per or places.

Laying out, opening, altering working roads or highways.

Vacating roads, town plats, str alleys and public grounds.

Locating or changing county s

Regulating county and town officers.

Regulating the practice of courts of justice.

Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables.

Providing for changes of venue in civil and criminal cases.

Incorporating cities, towns and villages, or changing or amending the charter of any town, city or village.

Providing for the election of officers in townships, incorporated towns or cities.

Summoning and empaneling grand and petit juries.

Providing for the management of common schools.

Regulating the interest on money.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors, or others under disability.

The protection of game or fish.

Chartering or licensing ferries, or toll bridges.

Remitting fines, penalties, or forfeitures.

Creating, increasing or decreasing fees, percentage or allowance of public officers during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted.

Sec. 16. The legislature shall never grant any extra compensation to any public officer, agent servant or contractor after the services shall have been rendered or the contract entered into.

Nor shall the compensation of any public officer be increased or diminished during his term of office.

Sec. 17. The state shall never pay, assume, or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to or in aid of any public or other corporation, association, or individual.

Sec. 18. The legislature shall have no power to release or relinquish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to the state or in any municipal corporation therein.

Sec. 19. The legislature shall never alienate the salt springs belonging to this state, but may dispose of the lands connected therewith, or purchase other contiguous lands for the purpose of developing said springs, but for no other purpose.

Sec. 20. Each legislature shall make appropriations for the expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, and all appropriations shall end with such fiscal quarter.

And whenever it shall be deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to each house, and shall not exceed the amount of revenue authorized by law to be raised in such time.

Bills making appropriations for the pay of members and officers of the legislature, and for the salaries of the officers of the government shall contain no provision on any other subject.

Sec. 21. The state may, to meet casual deficits or failures in revenue, contract debts never to exceed in the aggregate fifty thousand dollars, and moneys thus borrowed shall be applied to the purpose for which they were obtained; or to pay the debt thus created and to no other purpose.

And no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the state in time of war, for the payment of which the faith of the state shall be pledged, shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people, and have received a majority of the votes cast for members of the legislature at such election.

The legislature shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same, and provision shall be made at the time for the payment of the interest annually as it shall accrue, and for the payment of the principle [principal] within twenty years, by a tax levied for the purpose, or from other sources of revenue which law providing for the payment of such interest and principle [principle] by such tax shall be irrepealable until the debt be paid. And, provided further, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

Sec. 22. All offices created by this constitution shall become vacant by the death of the incumbent, by removal from the state, resignation, conviction of a felony, impeachment, or becoming of unsound mind.

And the legislature shall provide by general law for the filling of such vacancy when no provision is made for that purpose in this constitution.

Sec. 23. The legislature shall not authorize any games of chance, lottery, or gift enterprise, under any pretense, or for any purpose whatever.

Sec. 24. No money shall be drawn from the treasury, except in pursuance of a specific appropriation made by law and on the presentation of a warrant issued by the auditor thereon, and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution.

The auditor shall, within sixty days after the adjournment of each session of the legislature, prepare and publish a full statement of all moneys expended at such session, specifying the amount of each item, and to whom and for what paid.

Sec. 25. No member of the legislature shall be liable in any civil or criminal action whatever for words spoken in debate.

Sec. 26. No act shall take effect until three calendar months after the adjournment of the session at which it was passed (unless in case of emergency) to be expressed in the preamble or body of the act. The legislature shall, by a vote of two-thirds of all the members elected to each house otherwise direct. [The punctuation of this section should be changed as follows: . . . passed. unless in case of emergency (to be expressed in the preamble or body of this act) the legislature shall. . . . .—Ed.]

Every law shall be published within sixty days after its enactment in such manner as the legislature may provide.

GEO. S. SMITH.
Chairman.

Legislative Apportionment.

Mr. President, your committee on legislative apportionment submit the following report, and recommend that the same be incorporated into the constitution.

[Report not original--newspaper clipping.—Ed.]

Legislative Apportionment.

Until otherwise provided by law, senatoral and representatives districts shall be formed and senators and representatives apportioned as follows:

Senatorial Districts.

District No. 1 shall consist of the county of Richardson, and be entitled to two senators.

District No 2 shall consist of the county of Nemaha, and be entitled to one senator.

District No 3 shall consist of the county of Otoe, and be entitled to two senators.

District No. 4 shall consist of the county of Cass, and shall be entitled to one senator.

District No 5 shall consist of the county of Douglas, and be entitled to two senators.

District No. 6 shall consist of the counties of Douglas and Sarpy, and be entitled to one senator.

District No 7 shall consist of the county of Washington, and be entitled to one senator.

District No 8 shall consist of the county of Dodge, and be entitled to one senator.

District No. 9 shall consist of the county of Cuming, and be entitled to one senator.

District No. 10 shall consist of the counties of Burt and Dakota, and the territory known as the Omaha Reservation, and shall be entitled to one senator.

District No 11 shall consist of the counties of Stanton, Wayne, Pierce, Madison, Antelope and Boon[e], and be entitled to one senator.

District No. 12 shall consist of the counties of Dixon, Cedar, Knox, Holt and the unorganized territory of this state west of Holt, and be entitled to one senator

District No 13 shall consist of the counties of Hall, Howard, Merrick, Greel[e]y, and the unorganized territory north of Greel[e]y, and be entitled to one senator.

District No. 14 shall consist of the counties of Platte and Colfax, and be entitled to one senator.

District No. 15 shall consist of the counties of Butler and Polk, and be entitled to one senator.

District No. 16 shall consist of the county of Saunders, and be entitled to one senator.

District No. 17 shall consist of the county of Lancaster, and be entitled to two senators.

District No. 18 shall consist of the counties of Johnson and Pawnee, and be entitled to one senator.

District No. 19 shall consist of the counties of Gage and Jefferson, and be entitled to one senator.

District No. 20 shall consist of the county of Saline, and be entitled to one senator

District No. 21 shall consist of the county of Seward, and be entitled to one senator

District No 22 shall consist of the counties of York and Hamilton, and be entitled to one senator.

District No 23 shall consist of the counties of Fillmore and Clay, and be entitled to one senator.

District No. 24 shall consist of the counties of Adams, Webster, Nuckolls, and Thayer, and be entitled to one senator

District No 25 shall consist of the counties of Buffalo, Kearney, Franklin, Harlan, Phelps, Sherman, Valley and the unorganized territory west of Sherman, Valley, and senatorial district No. thirteen (13), and be entitled to one senator.

District No. 26 shall consist of the counties of Lincoln, Gosper, Dawson, Furnas, Red Willow, Frontier, Hitchcock, Dundy, Chase, Keith, Cheyenne, and the unorganized territory west of Frontier, and between Frontier and Chase, and be entitled to one senator.

Representative Districts.

District No. 1 shall consist of the county of Richardson, and be entitled to five representatives.

District No. 2 shall consist of the county of Pawnee, and be entitled to one representative.

District No. 3 shall consist of the county of Gage, and be entitled to two representatives.

District No. 4 shall consist of the county of Johnson, and be entitled to one representative.

District No. 5 shall consist of the county of Nemaha, and be entitled to three representatives.

District No. 6 shall consist of the county of Otoe, and be entitled to four representatives.

District No. 7 shall consist of the county of Lancaster and be entitled to five representatives.

District No. 8 shall consist of the county of Saunders, and shall be entitled to three representatives

District No. 9 shall consist of the county of Cass, and be entitled to four representatives.

District No. 10 shall consist of the county of Sarpy, and be entitled to one representative.

District No. 11 shall consist of the county of Douglas, and be entitled to eight representatives.

District No. 12 shall consist of the county of Dodge, and be entitled to two representatives.

District No 13 shall consist of the county of Washington, and be entitled to two representatives.

District No. 14 shall consist of the county of Burt, and be entitled to one representative.

District No. 15 shall consist of the county of Cuming, and be entitled to two representatives.

District No. 16 shall consist of the county of Dakota, and be entitled to one representative.

District No. 17 shall consist of the county of Dixon, and be entitled to one representative.

District No. 18 shall consist of the county of Jefferson and be entitled to one representative.

District No. 19 shall consist of the county of Thayer, and be entitled to one representative.

District No. 20 shall consist of the county of Nuckolls, and be entitled to one representative.

District No. 21 shall consist of the county of Webster, and be entitled to one representative.

District No. 22 shall consist of the county of Adams, and be entitled to one representative.

District No. 23 shall consist of the county of Clay, and be entitled to to one representative.

District No. 24 shall consist of the county of Fillmore, and be entitled to one representative.

District No. 25 shall consist of the county of Saline, and be entitled to two representatives.

District No. 26 shall consist of the county of Seward, and be entitled to two representatives.

District No. 27 shall consist of the county of York, and be entitled to two representatives.

District No. 28 shall consist of the county of Hamilton, and be entitled to one representative.

District No. 29 shall consist of the county of Hall, and be entitled to one representative.

District No. 30 shall consist of the county of Buffalo, and be entitled to one representative.

District No. 31 shall consist of the county of Lincoln, and be entitled to one representative.

District No. 32 shall consist of the county of Harlan, and be entitled to one representative.

District No. 33 shall consist of the counties of Howard and Greel[e]y, and be entitled to one representative.

District No. 34 shall consist of the county of Merrick, and be entitled to one representative.

District No. 35 shall consist of the county of Polk, and be entitled to one representative.

District No 36 shall consist of the county of Butler, and be entitled to one representative

District No. 37 shall consist of the county of Colfax, and be entitled to one representative.

District No. 38 shall consist of the county of Platte, and be entitled to one representative.

District No. 39 shall consist of the county of Madison, and be entitled to one representative

District No. 40 shall consist of the county of Cedar, and be entitled to one representative

District No. 41 shall consist of the counties of Burt, Dakota, the territory known as the Omaha reservation, and be entitled to one representative.

District No. 42 shall consist of the counties of Stanton, Wayne and Pierce, and be entitled to one representative.

District No. 43 shall consist of the counties of Knox and Holt, and the unorganized territory of the state west of Holt, and be entitled to one representative.

District No. 44 shall consist of the county of Antelope, and be entitled to one representative.

District No. 45 shall consist of the counties of Boone, Va ley, Sherman, and he unorganized territory west of Sherman and Valley counties, and west of the 13th senatoria district, and be entitled to one representative.

District No. 46 shall consist of the counties of Dawson and Frontier, and be entitled to one representative.

District No. 47 shall consist of the counties of Franklin and Kearney, and be entitled to one representative.

District No. 48 shall consist of the counties of Furnas, Phelps, and Gosper, and be entitled to one representative.

District No. 49 shall consist of the counties of Cheyenne, Keith, Dundy, Chase, Hitchcock, Red Willow and the unorganized territory of this state north of the county of Hitchcock, and be entitled to one representative.

District No. 50 shall consist of the counties of Johnson and Pawnee, and be entitled to one representative.

District No. 51 shall consist of the counties of Platte and Colfax, and be entitled to one representative.

District No. 52 shall consist of the counties of Fillmore and Clay, and be entitled to one representative.

JAMES LAIRD,
Ch'n Com. on Legislative Apportionment.

[The following report not original newspaper clipping --Ed.]

Mr. Manderson, from the executive committee offered the folowing report, which was ordered not printed, and referred to committee of the whole.

Mr. President, your committee on the executive department to whom, on June 2d, was referred its former report and the consideration of such changes as had been proposed in the convention, beg leave to present the following report:

That it has had the whole subject matter under consideration and suggests the adoption of the article as originally reported by the committee and as printed with the following changes and amendments:

In sec. 1, strike out the words "the first day of January," in the fourth and fifth lines and leave a blank.

In sec. 2, strike out from and include "neither" in third line to "shall" in the sixth line, and insert in lieu thereof "none of the officers of the executive department." Change "he" to "they" in the seventh line.

In section 13, strike out from and to include "in cases of," in the eleventh line, to the end of the section.

In section 15, strike out from and to include "but," in the tenth line, to, and to include "house" in the twelfth line.

In section 8, change the number 17 in the 2d line to the number 16.

In sectiono 24, strike out the entire section, and adopt the following as a substitute: "The officers named in this section shall receive for their services a salary, and they shall not, after the adoption of this constitution, receive to their own use any fees, costs, interest upon public moneys in their hands or under their control, perquisites of office, or other compensation, and all fees that may hereafter be payable by law for any service performed by any officer provided for in this article of the constitution shall be paid in advance into the state treasury. The salary of the governor shall be three thousand dollars per annum. The salaries of the secretary of state, of the auditor of public accounts, and treasurer, shall be two thousand five hundred dollars per annum; and of the superintendent of public instruction, attorney general and commissioner of public lands and buildings, two thousand dollars per annum. The lieutenant governor shall receive twice the compensation of a senator: PROVIDED, That, after the expiration of five years from the adoption of this constitution, and not oftener than every five years thereafter, the legislature may, by general law, readjust the said salaries, but the salaries of the officers named in this section shall not be increased or diminished during their official terms.

Strike out section 25, 26, and 27, and adopt the following as a substitute for section 28:

No other executive state officers shall be continued or created, and the duties now devolving upon officers not provided for by this constitution shall be performed by the officers herein created.

CHAS. F. MANDERSON,
Ch'n

Mr. Agur's Report.

[Report not original—newspaper clipping.—Ed.]

The committee on state and county boundaries and counties, to whom was referred the article on counties with sundry proposed amendments, would recommend the striking out of all words between the word "determine," in line 3, in section 6, and the word "and" in line 7 of same section, and the adoption of the following amendments as sections 6 and 7:

Sec. 6. The county board shall fix the compensation of all county officers, except their own, which shall be fixed by law, with the amount of their necessary clerk hire, station-

ery, fuel and other expenses, and in all cases where fees are provided for said compensation, clerk hire shall be paid only out of, and in no instance exceed the fees actually collected. They shall not allow either of them more than fifteen hundred dollars per annum in counties not exceeding twenty thousand inhabitants, two thousand dollars in counties containing twenty thousand inhabitants and not exceeding thirty thousand inhabitants, twenty-five hundred dollars in counties containing thirty thousand and not exceeding fifty thousand inhabitants, and not more than $100 additional for every additional ten thousand inhabitants: PROVIDED, That the compensation of no officer shall be increased nor diminished during his term of office, and all fees or allowances received by them in excess of their said compensation shall be paid into the county treasurer [treasury (?)].

Sec. 7. Every county officer who is paid in full or in part by fees, shall make semiannually a report, under oath, to the judge of the district court, of all his fees and emoluments.

LUKE AGUR,
Chairman.

Mr. Boyd moved that the article reported by the committee on legislative apportionment be recommitted to said committee with instructions to report not to exceed twenty-five senators, and seventy-five representatives.

The yeas and nays being demanded, those voting in the affirmative were

Abbott,	Burtch,
Boyd,	Dunlap,
Broady,	Ewan,
Brown,	Gere,
Grebe,	Martin,
Grenell,	Munger,
Gwyer,	Rees,
Hallner,	Peery,
Harrington,	Pound,
Henry,	Shedd,
Kirkpatrick,	Sterns,
McPherson,	Thompson,
Manderson,	Vallery.—26.

Those voting in the negative were

Becker,	Laird,
Carns,	Matthews,
Clark,	Maxwell,
Coates,	Pierce,
Conner,	Powers,
Cummins,	Rogers,
Dawes,	Sauls,
Doom,	Smith,
Foss,	Stevenson,
Frady,	Thorne,
Griffing,	Van Wyck,
Hamilton,	Walther,
Harper,	Walling,
Hawley,	Warrington,
Hayward,	Weaver,
Hinman,	Zediker,
Hunter,	Mr. President.—35.
Kendall,	

ABSENT.

Agur,	Garber,
Briggs,	Hopewell,
Calhoun,	Robertson,
Eldridge,	Wilcox.—8.

Mr. Abbott moved to recommit the article reported by the committee on legislative apportionment to said committee.

Mr. Gere moved to lay the motion to recommit on the table, which motion prevailed and the motion to recommit was laid on the table.

The rules were suspended, two-thirds of the members voting therefor, and the article was read a second time by its title and referred to the committee of the whole house.

Messrs. Hopewell and Hawley were given leave of absence.

On motion of Mr. Pound, the convention resolved itself into a committee of the whole house for the further consideration of the article entitled executive department, with Mr. Gwyer in the chair.

After some time spent therein, the committee arose and by its chairman reported progress and asked leave to sit again.

Mr. Gwyer asked leave of absence for the members of the committee on state institutions and public buildings, which was granted.

Mr. Conner moved that the secretary of state be requested to prepare lights for night session, which motion prevailed.

On motion, adjourned until 2 o'clock p. m.

Afternoon Session.

The convention was called to order by the president.

Roll called.

PRESENT

Abbott,	Dawes,
Agur,	Doom,
Becker,	Dunlap,
Boyd,	Eldridge,
Briggs,	Foss,
Broady,	Frady,
Brown,	Grebe,
Burtch,	Grenell,
Calhoun,	Griffing,
Carns,	Hallner,
Clark,	Hamilton,
Coates,	Harper,
Conner,	Harrington,
Cummins,	Hawley,
Hayward,	Rees,
Henry,	Sauls,
Hinman,	Smith,
Hunter,	Sterns,
Kendall,	Stevenson,
Kirkpatrick,	Thompson,
Laird,	Thorne,
McPherson,	Vallery,
Manderson,	Van Wyck,
Martin,	Walther,
Matthews,	Walling,
Maxwell,	Warrington,
Munger,	Weaver,
Peery,	Zediker,
Powers,	Mr. President.—55.

Mr. Agur, from the committee on state, counties, and county boundaries, reported an article amendatory to the constitution, which was read a first and second time, ordered printed, and referred to the committee of the whole house.

On motion of Mr. Warrington, the convention resolved itself into a committee of the whole house for the further consideration of the executive article, with Mr. Van Wyck in the chair.

After some time spent therein, the committee arose and by its chairman submitted the following report:

Mr. President, the convention committee of the whole have had under consideration the report of the executive committee upon the Executive Article, and report the same back with the recommendation that the report of said committee be concurred in except in the following particulars:

1. Strike out from the substitute reported for sec. 24, "salary of governor, three thousand dollars per annum" and insert "two thousand five hundred dollars per annum."

2. Strike out the proviso attached to the substitute for said section 24.

3. By adding to said section 24, as amended, "There shall [be] no allowance for clerk hire in the offices of the superintendent of public instruction, attorney general"

4. By making [the] salary of [the] secretary of state read two thousand dollars per annum.

The convention in committee of the whole have had also under further consideration the article entitled Executive and made further amendments thereto as follows:

1. By inserting the word state after the word other in line 6 of sec. 2.

C. H. VAN WYCK,
Chairman.

The question being upon the adoption of the report of the committee of the whole house, it was concurred in.

Mr. Henry, by unanimous consent, offered the following substitute for section 24, and moved its adoption.

Substitute

Sec. 24. The officers named in this section shall receive for their services a salary and they shall not receive to their own use any fees, costs, interest upon public monies [moneys] in their hands or under their control, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the constitution shall be paid in advance into the state treasury. The salary of the governor, secretary of state, and treasurer shall be twenty-five hundred dollars each. The allowance for clerk hire, contingent and incidental expenses shall not exceed fifteen hundred dollars per annum for each office. The auditor of public accounts shall receive a salary of twenty-five hundred dollars. The allowance for clerk hire, contingent and incidental expenses for said office shall not exceed three thousand dollars per annum. The salaries of superintendent of public instruction, attorney general and commissoner of public lands and buildings shall be two thousand dollars each per annum. There shall be no allowance for clerk hire, [or] incidental or contingent expenses for the offices of superintendent of public instruction, attorney general and commissioner of public lands and buildings: PROVIDED, That the legislature may readjust the salaries after the expiration of five years from the adoption of this constitution and every five years thereafter.

Mr. Thorne moved to strike out the provision [proviso] to the substitute, which was disagreed to.

The question recurring upon the motion to adopt the substitute, the yeas and nays were demanded.

Those voting in the affirmative were

Burtch,	Hunter,
Clark,	Kirkpatrick,
Coates,	Laird,
Conner,	McPherson,
Cummins,	Matthews,
Dawes,	Peery,
Doom,	Powers,
Dunlap,	Rees,
Eldridge,	Sauls,
Grebe,	Stevenson,
Grenell,	Thompson,
Griffing,	Thorne,
Hallner,	Vallery,
Hamilton,	Van Wyck,
Harrington,	Walther,
Hawley,	Wilcox,
Henry,	Zediker.—34.
Hinman,	

Those voting in the negative were

Abbott,	Boyd,
Agur,	Broady,

Calhoun, Munger,
Foss, Pound,
Gere, Shedd,
Harper, Smith,
Hayward, Sterns,
Kendall, Walling,
Manderson, Warrington,
Martin, Weaver,
Maxwell, Mr. President.—22.

Absent,

Becker, Garber,
Briggs, Gwyer,
Brown, Hopewell,
Carns, Pierce,
Ewan, Robertson,
Frady, Rogers.—13.

[One in excess in the affirmative is needed to make thirteen absent.—Ed.]

A majority of the members present voting in the affirmative, the substitute was adopted.

Mr. Hawley moved to reconsider the vote by which the substitute was adopted.

Mr. Abbott moved that the convention adjourn; which motion was lost.

Mr. Van Wyck moved to lay the motion to reconsider on the table; which was disagreed to.

The question recurring on the motion to reconsider, it was decided in the affirmative.

The question being on the adoption of the substitute, Mr. Weaver moved to strike out the proviso.

Mr. Abbott moved a call of the house.

The yeas and nays being demanded.

Call of The House.

YEAS.

Abbott, Boyd,
Agur, Broady,
Burtch, Maxwell,
Calhoun, Munger,
Dunlap, Pound,
Gere, Shedd,
Hayward, Smith,
Kendall, Walling,
Kirkpatrick, Warrington,
Laird, Zediker,
Manderson, Mr. President.—23.
Martin,

NAYS.

Clark, Hunter,
Coates, McPherson,
Conner, Matthews,
Cummins, Peery,
Dawes, Powers,
Doom, Rees,
Eldridge, Sauls,
Foss, Sterns,
Grebe, Stevenson,
Grenell, Thompson,
Griffing, Thorne,
Hallner, Vallery,
Harper, Van Wyck,
Harrington, Walther,
Hawley, Weaver,
Henry, Wilcox.—34.
Hinman,

[Hamilton omitted.—Ed.]

ABSENT.

Becker, Garber,
Briggs, Gwyer,
Brown, Hopewell,
Carns, Pierce,
Ewan, Robertson,
Frady, Rogers.—12.

A majority of those present h ing voted in the negative, the moti for a call of the house was disagre to.

The question recurring u striking out the proviso, Mr. Bc moved as an amendment to str out all of said section except much as relates to the salaries of executive officers.

The yeas and nays being demand

YEAS.

Manderson,
Maxwell,
Shedd,
Smith,
Sterns,
Walling,
Mr. President.—14.

NAYS.

Hunter,
Kirkpatrick,
Laird,
McPherson,
Martin,
Matthews,
Munger,
Peery,
Pound,
Powers,
Rees,
Sauls,
Stevenson,
Thompson,
Thorne,
Vallery,
Van Wyck,
Walther,
Warrington,
Weaver,
Wilcox,
Zediker.—44.

ABSENT.

Gwyer,
Hopewell,
Pierce,
Robertson,
Rogers.—11.

ıajority of the members present
g voted in the negative, the
n was lost.

· question being upon striking
he proviso to the section of-
as a substitute to section 24,
ı decided in the affirmative.

Hayward moved an amendment
ow the commissioner of public lands to receive an allowance for clerk hire not exceeding one thousand five hundred dollars per annum.

On motion of Mr. Gere, the further consideration of the whole subject matter was postponed and made a special order for 9:30 o'clock tomorrow morning.

Mr. Abbott moved to adjourn until 7:30 o'clock this evening.

Mr. Henry moved as an amendment that the convention adjourn until tomorrow morning at 9 o'clock.

Mr. Broady moved as further amendment that the convention adjourn until 7:35 o'clock this evening; which amendment was concurred in, and the original motion as amended prevailed.

Thereupon, at 5 o'clock and 25 minutes, the convention adjourned until 7:35 o'clock this evening.

Evening Session

7:35 o'clock p. m.

The convention was called to order by the president.

The roll was called.

PRESENT.

Abbott,
Agur,
Becker,
Boyd,
Broady,
Burtch,
Clark,
Coates,
Cummins,
Dawes,
Doom,
Dunlap,
Eldridge,
Foss,
Garber,
Gere,
Grebe,
Grenell,
Griffing,
Gwyer,
Hallner,
Hamilton,
Harper,
Harrington,
Hawley,
Hayward,
Henry,
Hinman,

Kendall,
Laird,
McPherson,
Manderson,
Martin,
Matthews,
Maxwell,
Munger,
Peery,
Pound,
Powers,
Rees,
Rogers,
Sauls,
Hunter,
Shedd,
Smith,
Sterns,
Stevenson,
Thompson,
Thorne,
Vallery,
Van Wyck,
Walther,
Walling,
Warrington,
Weaver,
Wilcox,
Zediker,
Mr.President.—58.

ABSENT.

Briggs,
Brown,
Calhoun,
Carns,
Conner,
Ewan,
Frady,
Hopewell,
Kirkpatrick,
Pierce,
Robertson.—11.

On motion of Mr. Weaver, the convention resolved itself into a committee of the whole house to take into consideration the article reported by the committee on miscellaneous subjects, with Mr. Abbott in the chair.

After some time spent therein, the committee arose and by its chairman reported progress and asked leave to sit again.

On motion, at 10:6, adjourned until 9 o'clock tomorrow morning.

Twenty-first Day.

Lincoln, Friday, June 4, 1875.

The convention met pursuant to adjournment and was called to order by the president.

The roll was called and the following members were

PRESENT.

Abbott,
Agur,
Becker,
Boyd,
Briggs,
Broady,
Brown,
Burtch,
Calhoun,
Carns,
Clark,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Dunlap,
Eldridge,
Ewan,
Foss,
Frady,
Garber,
Gere,
Grebe,
Grenell,
Griffing,
Gwyer,
Hallner,
Hamilton,
Harper,
Harrington,
Hawley,
Hayward,
Henry,
Hinman,
Hunter,
Kendall,
Kirkpatrick,
Laird,
McPherson,
Manderson,
Martin,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,
Rogers,
Sauls,
Shedd,
Smith,
Sterns,
Stevenson,
Thompson,
Thorne,
Vallery,
Van Wyck,
Walling,
Warrington,
Weaver,
Wilcox,
Zediker,
Mr.President.—6

ABSENT.

Hopewell,
Robertson,
Walther.—3.

Prayer by Rev. Mr. Alexander.

Journal read and approved.

Leave of absence was granted Mr. Walther.

The President announced that hour had arrived for the special or upon the substitute to section 2 the article entitled Executive Dep ment.

reupon the convention took un- onsideration the special order resaid.

question being upon the ment to the substitute offered Hayward, it was concurred in.

question recurring upon the ute as amended, Mr. Doom to further amend by adding ords, "The lieutenant governor eceive twice the compensation nator;" which amendment was red in.

Weaver moved that the salary secretary of state be put at ousand dollars instead of two nd five hundred; which was red in, the substitute as ed reading as folows:

officers named in this section eceive for their services a sal- id they shall not after the ex- n of the terms of those in of- the adoption of this constitu- ceive to their own use any fees, interest upon public moneys in ands or under their control, sites of office or other com- ion, and all fees that may ter be payable by law for any s performed by any officer pro- for in this article of the con- on shall be paid in advance e state treasury. The salary governor, auditor of public ts, and treasurer shall be twen- hundred dollars each per an- The salary of the secretary e, of the attorney general, of mmissioner of public lands and gs, [and of the] superinten- f public instruction shall be housand dollars per annum lowance for clerk hire, [and] ital and contingent expenses in the office of the governor, treasurer, secretary of state, and commissioner of public lands and buildings shall not exceed fifteen hundred dollars per annum in each of said offices. The allowance for clerk hire, [and] incidental and contingent expenses in the office of the auditor of public accounts shall not exceed three thousand dollars per annum. There shall be no allowance for clerk hire in the offices of the superintendent of public instruction and attorney general. The lieutenant governor shall receive twice the compensation of a senator.

Mr. Rogers received leave of absence.

The question being upon the adoption of the substitute as amended, the yeas and nays being demanded, those voting in the affirmative were

Agur,	Harrington,
Brown,	Henry,
Burtch,	Hinman,
Carns,	Hunter,
Clark,	McPherson.
Coates,	Matthews,
Conner,	Peery,
Cummins.	Rees,
Doom,	Sauls,
Dunlap,	Thompson,
Ewan,	Vallery,
Grebe,	Van Wyck,
Griffing,	Wilcox,
Hallner,	Mr. President.—28
Hamilton,	

["Mr. President" in excess here: he is counted in the negative. Ed.]

Those voting in the negative were

Abbott,	Grenell,
Becker,	Gwyer,
Boyd,	Harper,
Briggs,	Hawley,
Broady,	Hayward,
Calhoun,	Kendall,
Lawes,	Kirkpatrick,
Eldridge,	Laird,
Foss,	Manderson,
Gere,	Martin,

Maxwell, Stevenson,
Munger, Thorne,
Pierce, Walling,
Pound, Warrington,
Powers, Weaver,
Shedd, Zediker,
Smith, Mr. President.—35.
Sterns,

Absent,

Frady, Robertson,
Garber, Rogers,
Hopewell, Walther.—6.

A majority of the members voting in the negative, the substitute was lost.

The question being upon the adoption of the article as amended, it was adopted and ordered engrossed for a third reading.

Leave of absence was granted to Messers. Manderson and Maxwell.

On motion of Mr. Hayward, the convention resolved itself into a committee of the whole house to take under consideration the article on revenue and finance and the substitute offered therefor, with Mr. Pound in the chair.

After some time spent therein, the committee arose and, by its chairman, reported progress and asked leave to sit again.

On motion adjourned until 2 o'clock p. m.

Afternoon Session.

Two o'clock p. m.

The convention was called to order by the president.

The roll was called.

PRESENT.

Abbott, Agur,
Becker, Hunter,
Boyd, Kendall,
Briggs, Kirkpatrick,
Broady, Laird,
Calhoun, McPherson,
Clark, Martin,
Coates, Matthews,
Conner, Munger,
Cummins, Peery,
Dawes, Pierce,
Doom, Pound,
Dunlap, Powers,
Ewan, Rees,
Foss, Sauls,
Garber, Smith,
Grebe, Sterns,
Grenell, Thompson,
Griffing, Thorne,
Gwyer, Vallery,
Hallner, Van Wyck,
Hamilton, Walling,
Harper, Warrington,
Harrington, Weaver,
Hawley, Wilcox,
Hayward, Zediker,
Henry, Mr. President.—5
Hinman,

ABSENT.

Brown, Manderson,
Burtch, Maxwell,
Carns, Robertson,
Eidridge, Rogers,
Frady, Shedd,
Gere, Stevenson,
Hopewell, Walther.—14.

Mr. Gwyer, from the committee engrossment and enrollment, s mitted the following report:

Mr. President, the committee enrollment and engrossment respe fully report that they have examu the article entitled Railroad Corp ations and find the same to be c rectly engrossed.

WM. A. GWYER,
Chairman

Thereupon the article entit "Railroad Corporations" was rea

time and put upon its passage, uestion being, Shall the article ed "Railroad Corporations" be ed, those voting in the affirma- vere

	Henry,
r,	Hunter,
	Kendall,
n,	Kirkpatrick,
h,	Laird,
un,	Martin,
,	Matthews,
s,	McPherson,
er,	Munger,
ins,	Peery,
s,	Pierce,
,	Pound,
p,	Powers,
,	Rees,
	Sauls,
r,	Sterns,
,	Thompson,
ll,	Thorne,
g,	Vallery,
,	Van Wyck,
er,	Walling,
ton,	Warrington,
r,	Weaver,
ngton,	Wilcox,
y,	Zediker,
ard,	Mr. President.---52.

ing in the negative were

t,	Smith.--3.
an,	

ent,

s,	Manderson,
y,	Maxwell,
,	Robertson,
ige,	Rogers,
,	Shedd,
	Stevenson
vell,	Walther.--14.

najority of the members pres- oting therefor, the article was d and referred to the commit- revision and adjustment.

motion of Mr. Boyd, the con- n resolved itself into a commit- tee of the whole house for the further consideration of the article upon revenue and finance, with Mr. Pound in the chair.

After some time spent therein, the committee arose and by its chairman submitted the following report:

Mr. President, the convention in committee of the whole have had under consideration the article on revenue and finance, together with the substitute for said article referred to said committee, and report as follows:

1st. Strike out section 1 of the original article and insert section 1 of the substitute, as follows:

Section 1. The legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property, the value to be ascertained in such manner as the legislature shal direct, but it shall have power to tax peddlers, auctioneers, brokers, hawkers, commission merchants, showmen, jugglers, innkeepers, liquor dealers, toll bridges, ferries, insurance, telegraph and express interests or business, venders of patents, in such manner as it shall direct by general law, uniform as to the class upon which it operates.

2nd. Insert after the word personal, in second line of third section of original article, the words, "shall be exempt from taxation."

3d. Strike out section 4 of original article.

4th. Strike out in section 5 from "and," in line 4 of section 5 to and including the word expire in line 7, of said section.

5th. Strike out the words "and all taxes levied for state purposes shall be paid into the state treasury."

6th. Strike out section 7.

7th. Strike out the words "or otherwise" in line 3 of section 9.

8th. Strike out section 10 of original article and insert sec. 5 of the substitute as follows:

Private property shall not be liable to be taken or sold for the payment of the corporate debts of municipal corporations. The legislature shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes.

9th. Strike out the word ten, in line 3, and insert the word eight in lieu thereof.

10th. Strike out all after the words "per annum," in line 3, of section 12.

11th. By adding to section 13 as follows: "Provided, That a party aggrieved by the decision of the auditor and secretary of state may appeal to the district court."

12th. That the substitute for the original article except section (s) 1 and 5 be stricken out.

S. B. POUND,
Chairman.

Mr. Ewan received leave of absence.

Mr. Hinman moved to adjourn until 7:30 this evening.

Mr. Kirkpatrick moved as an amendment that the convention adjourn until tomorrow morning at 9 o'clock; which was disagreed to.

The question recurring upon the original motion, it prevailed, and, at 6 o'clock and 8 minutes, the convention adjourned until 7:30 this evening.

Evening Session.

7:30 o'clock p. m.

Convention called to order by the president.

Roll called.

PRESENT

Abbott,	Hawley,
Becker,	Hayward,
Boyd,	Henry,
Briggs,	Hinman,
Broady,	Hunter,
Brown,	Kendall,
Burtch,	Kirkpatrick,
Calhoun,	Laird,
Carns,	McPherson,
Clark,	Martin,
Coates,	Matthews,
Conner,	Munger,
Cummins,	Peery,
Dawes,	Pierce,
Doom,	Pound,
Dunlap,	Powers,
Eldridge,	Rees,
Foss,	Stevenson,
Frady,	Thompson,
Garber,	Vallery,
Gere,	Van Wyck,
Grebe,	Walther,
Grenell,	Walling,
Griffing,	Warrington,
Gwyer,	Weaver,
Hallner,	Wilcox,
Hamilton,	Zediker,
Harper,	Mr. President—
Harrington,	

[Sauls, Smith and Sterns ex ed.—Ed.]

ABSENT.

Agur,	Robertson,
Ewan,	Rogers,
Hopewell,	Shedd,
Manderson,	Thorne.—9.
Maxwell,	

The convention resumed the sideration of the unfinished busi of the afternoon session, viz: the port of the committee of the w on revenue and finance.

The question being upon the a tion of the report of the commi of the whole, all the amendments commended were concurred in.

The question being upon the a

of the article on revenue and ıce, as amended, Mr. Conner of- d to amend section 1 by inserting words "and franchises" after the l property, in the 3d line; which ndment was concurred in.

r. Briggs moved to strike out on 2; which was agreed to.

r. Broady moved to amend sec- 3 by striking out the words "for :ultural and horticultural socie- " in the seventh line.

ıe yeas and nays being demanded. e voting in the affirmative were

ott,	Eldridge,
ter,	McPherson,
gs,	Peery,
dy,	Stevenson,—8.

ɔting in the negative

l,	Hunter
ch,	Kendall,
oun,	Kirkpatrick,
ıs,	Martin,
k,	Matthews,
es,	Munger,
ıer,	Pierce,
mins,	Pound,
es,	Powers,
n,	Rees,
lap,	Robertson,
	Sauls,
ly,	Smith,
ɔer,	Sterns,
	Thompson,
ɔe,	Thorne,
ng,	Vallery,
er,	Van Wyck,
ner,	Walling,
ilton,	Warrington,
ɔer,	Weaver,
ington,	Wilcox,
ley,	Zediker,
ward,	Mr.President.—50.
nan,	

aird omitted.—Ed.]

ɔsent,

,	Brown,
Ewan,	Maxwell,
Grenell,	Rogers,
Henry,	Shedd,
Hopewell,	Walther.—11.
Manderson,	

A majority of the members present voting in the negative, the amendment was disagreed to.

Mr. Broady moved to amend section 3 by striking out the last sentence commencing with the word "the" in the sixth line. The yeas and nays being demanded, those voting in the affirmative were

Abbott,	Harper,
Becker,	Kendall,
Boyd,	McPherson,
Broady,	Munger,
Burtch,	Powers,
Garber,	Stevenson.—13.
Grebe,	

Voting in the negative

Briggs,	Hunter,
Calhoun,	Kirkpatrick,
Carns,	Laird,
Clark,	Martin,
Coates,	Matthews,
Conner,	Peery,
Cummins,	Pierce,
Dawes,	Pound,
Doom,	Rees,
Dunlap,	Sauls,
Eldridge,	Smith,
Foss,	Sterns,
Frady,	Thompson,
Gere	Thorne,
Griffing,	Vallery,
Gwyer,	Van Wyck,
Hallner,	Walling,
Hamilton,	Warrington,
Harrington,	Wilcox,
Hawley,	Zediker,
Hayward,	Mr.President.—44.
Hinman,	

[Robertson is omitted.—Ed.]

Absent,

Agur,	Grenell,
Brown,	Henry,
Ewan,	Hopewell,

Manderson, Shedd,
Maxwell, Walther,
Rogers, Weaver.—12.

The amendment lost.

Mr. Weaver moved as a substitute for the article under consideration the article on revenue and finance as contained in the present constitution, reading as follows:

Section 1. No money shall be paid out of the treasury, except in pursuance of an appropriation by law.

Sec. 2. The credit of the state shall never be given or bound in aid of any individual, association, or corporation.

Sec. 3. The legislature shall provide for an annual tax sufficient to defray the estimated expenses of the state for each year, and whenever the expenses of any year shall exceed the income, the legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year.

Sec. 4. For the purpose of defraying extraordinary expenditures, the state may contract public debts; but such debts shall never in the aggregate exceed fifty thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such laws; and every such law shall provide for the levying of an annual tax sufficient to pay the annual interest of such debt, and the principal within ten years from the passage of such law; and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished until t principal and interest of such deb shall have been wholly paid.

Sec. 5. The legislature may b row money to repel invasion, s press insurrection, or defend t state in time of war; but the mon thus raised shall be applied exc sively to the object for which t loan was authorized, or to the re-p ment of the debt thereby created.

Sec. 6. The state shall never c tract any debt for works of inter improvement, or be a party in c rying on such works; but where grants of land or other property sh have been made to the state, especi ly dedicated by the grant to parti lar works of internal improveme the state may carry on such part ular works, and shall devote ther the avails of such grant and m pledge or appropriate the revenu derived from such work in aid tneir completion.

Sec. 7. The property of corp ations, now existing or hereafter c ated, shall forever be subject to t ation, the same as the property individuals.

Sec. 8. The legislature shall p vide for the organization of cities a incorporated villages by gene laws and restrict their power taxation, assessment, borrowing mo ey, contracting debts and loani their credits, so as to prevent t abuse of such power.

Mr. Conner moved to lay the s stitute on the table.

A division being demanded, t motion was lost.

On motion of Mr. Martin, at o'clock and 37 minutes, the conve tion adjourned until tomorrow m ing.

Twenty-second Day

ıcoln, Saturday, June 5, 1875.
convention met pursuant to
ıment and was called to order
president.

roll was called and there were

Hayward,
Henry,
Hinman,
Hunter,
Kendall,
Kirkpatrick,
Laird,
Martin,
n, McPherson,
Matthews,
Munger,
Peery,
, Pierce,
ns, Pound,
Powers,
Rees,
, Robertson,
ge, Sauls,
Smith.
Sterns,
, Stevenson,
Thompson,
Thorne,
l, Vallery,
s, Van Wyck,
Walling,
r. Warrington,
on, Weaver,
Wilcox.
gton, Zediker,
y, Mr.President.—62.

ABSENT.

Rogers.
ell, Shedd,
rson. Walther.— 7.
ll,

er by Rev. Mr. Alexander.

nal read and approved.

president announced as the
ss first in order the unfinished business of the previous day, viz: the consideration of the substitute offered by Mr. Weaver to the article reported by the committee on revenue and finance.

Mr. Conner moved to postpone the further consideration of the whole subject matter until Tuesday at 9:30 a. m.; which was agreed to.

Messrs. Boyd and Brown received leave of absence.

Mr. Pierce moved to adjourn until Monday at 3:30 p. m.; which was disagreed to.

Messrs. Carns, Burtch, Kirkpatrick, Briggs, Munger, Pierce, and Broady received leave of absence.

Mr. Abbott moved that the convention adjourn until 3 o'clock p. m. on Monday.

The yeas and nays being demanded, those voting in the affirmative were

Abbott, Kendall,
Becker, Munger,
Boyd, Pierce,
Briggs, Rees,
Brown, Robertson,
Burtch, Shedd,
Calhoun, Stevenson,
Eldridge, Thorne,
Harper, Mr.President.—19.
Hawley,

Voting in the negative

Agur, Frady,
Carns, Garber,
Clark, Gere,
Coates, Grebe,
Conner, Grenell,
Cummins, Griffing,
Dawes, Gwyer,
Doom, Hallner,
Dunlap, Hamilton,
Foss, Harrington,

Hayward,	Powers,
Henry,	Sauls,
Hinman,	Smith,
Hunter,	Sterns,
Kirkpatrick,	Thompson,
Laird,	Vallery,
Martin,	Walling,
Matthews,	Warrington,
McPherson,	Weaver,
Peery,	Wilcox,
Pound,	Zediker.—42.

Absent,

Broady,	Maxwell,
Ewan,	Rogers,
Hopewell,	Van Wyck,
Manderson,	Walther.—8.

A majority of the members present voting in the negative, the motion to adjourn was disagreed to.

Mr. Thorne was granted leave of absence.

The question recurring upon the article on miscellaneous subjects, Mr. Hayward moved that the first section be recommitted to the committee on miscellaneous subjects; which was agreed to.

On motion of Mr. Doom, the convention resolved itself into a committee of the whole house to take under consideration the article on miscellaneous subjects, except section 1 of the same, with Mr. Abbott in the chair.

After some time spent therein, the committee arose and by its chairman submitted the following report:

Mr. President, the convention in the committee of the whole have had under consideration the article on miscellaneous provisions, except section 1 and report the same back with the following amendments.

1st. Strike out from the word that in the sixth line of second section to and including the word office in t 9th line and insert the followi "That at the election at which I chosen to fill said office I have improperly influenced in any way vote of my electors."

2d. Strike out from "this oat in line 13 of section 2, down to including the word same, in line of said section.

O. A. ABBOTT,
Chairma

The question being upon the ad tion of the amendments recomme ed by the committee of the whole. first and second amendments w concurred in.

Mr. Laird moved to strike section 5.

The yeas and nays were demand Those voting were

AFFIRMATIVE

Eldridge,	Powers,
Grenell,	Rees,
Gwyer,	Robertson,
Harper,	Sterns,
Kendall,	Warrington,
Laird,	Mr. President —

NEGATIVE

Abbott,	Henry,
Agur,	Hinman,
Broady,	Hunter,
Clark,	Kirkpatrick,
Coates,	Martin,
Conner,	McPherson,
Dawes,	Matthews,
Doom,	Peery,
Dunlap,	Pound,
Frady,	Sauls,
Gere,	Stevenson,
Grebe,	Thompson,
Griffing,	Thorne,
Hallner,	Vallery,
Hamilton,	Walling,
Harrington,	Weaver,
Hawley,	Wilcox,
Hayward,	Zediker.—37.

[Smith omitted.—Ed.]

Absent,

Becker,	Garber,
Boyd,	Hopewell,
Briggs,	Manderson,
Brown,	Maxwell,
Burtch,	Munger,
Calhoun,	Pierce,
Carns,	Rogers,
Cummins,	Shedd,
Ewan,	Van Wyck,
Foss,	Walther.—20.

A majority of the members present voting in the negative, the motion to strike out section 5 was decided in the negative.

The question being upon the adoption of the article except section one thereof, it was adopted and ordered engrossed for a third reading.

Mr. Gwyer, from the committee on engrossment and enrollment, submitted the following report.

Mr. President, the committee on enrollment and engrossment respectfully report that they have examined the article entitled Executive Department and find the same to be correctly engrossed.

WILLIAM A. GWYER,
Chairman.

The article entitled Executive Department having been reported correctly engrossed, was read a third time.

The question being, shall the article entitled Executive Department be adopted, those voting in the affirmative were

Abbott,	Griffing,
Agur,	Gwyer,
Broady,	Hallner,
Conner,	Hamilton,
Cummins,	Harper,
Dawes,	Harrington,
Dunlap,	Hawley,
Grebe,	Hayward,
Grenell,	Hinman,
Hunter,	Sterns,
Kendall,	Stevenson,
Laird,	Thompson,
Martin,	Thorne,
McPherson,	Vallery,
Matthews,	Walling,
Pound,	Warrington,
Rees,	Weaver,
Robertson,	Wilcox,
Sauls,	Zediker,
Smith,	Mr.President.—44.

(Clark, Frady, Barber, Gere) omitted.—Ed.]

Voting in the negative were

Coates,	Kirkpatrick,
Doom,	Peery,
Henry,	Powers.—6.

Absent,

Becker,	Hopewell,
Boyd,	Manderson,
Briggs,	Maxwell,
Brown,	Munger,
Burtch,	Pierce,
Calhoun,	Rogers,
Carns,	Shedd,
Eldridge,	Van Wyck,
Ewan,	Walther.—19.
Foss,	

A majority of the members of the convention voting therefor, the article was adopted and referred to the committee on Revision and Adjustment.

On motion at 12 o'clock the convention was adjourned until 2 o'clock p. m.

Afternoon Session.

Two o'clock p. m.

The convention was called to order by the president.

The roll was called.

PRESENT.

Abbott,	Cummins,
Agur,	Dawes,
Broady,	Doom,
Clark,	Dunlap,
Coates,	Eldridge,
Conner,	Foss,

Frady,	McPherson,
Garber,	Matthews,
Gere,	Peery,
Grebe,	Powers,
Grenell,	Rees,
Griffing,	Robertson,
Hallner,	Sauls,
Hamilton,	Smith,
Harper,	Sterns,
Harrington,	Thompson,
Hawley,	Thorne,
Hayward,	Vallery,
Henry,	Walling,
Hinman,	Warrington,
Hunter,	Weaver,
Kendall,	Wilcox,
Laird,	Zediker,
Martin,	Mr.President.—48.

ABSENT.

Becker,	Manderson,
Boyd,	Maxwell,
Briggs,	Munger,
Brown,	Pierce,
Burtch,	Pound,
Calhoun,	Rogers,
Carns,	Shedd,
Ewan,	Stevenson,
Gwyer,	Van Wyck,
Hopewell,	Walther.—21.
Kirkpatrick,	

Messrs. Kendall and Hallner received leave of absence.

Mr. Conner offered the following resolution; which was adopted.

RESOLVED, That the committee on miscellaneous provisions be respectfully but earnestly requested to report back to this convention on Monday next the report referred to it.

On motion, the convention resolved itself into a committee of the whole house on the article entitled Incidental Expenses, etc., with Mr. Rees in the chair.

After some time spent therein, the committee arose, and by its chairman submitted the following report:

Mr. President, the convention in the committee of the whole have had under consideration the article upon incidental expenses of state officers with the legislative article, and report the same back with the following section which they recommend be incorporated in the constitution

Sec. —. No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation, and upon an itemized account specifying each item.

And your committee asks leave to sit again upon the legislative article.

The question being upon the adoption of the report of the committee of the whole house, the amendment recommended was concurred in.

On motion of Mr. Hayward, the convention resolved itself into a committee of the whole house on state, county and municipal indebtedness and the first section of the article on internal improvements, with Mr Martin in the chair.

After some time spent therein, the committee arose and by its chairman submitted the following report:

Mr. President, the convention, in committee of the whole, have had under consideration the article on state county and municipal indebtedness and report the same back with amendments as follows:

1st. Strike out the word fifty, in line 2 of section 1, and insert one hundred.

2d. Strike out from the words "for the payment," in line 4 of section 1, down to and including the word same, in line 9 of section 1.

3d. Strike out the words "at the time," in line 9 of section 1.

4th. Strike out all after the word paid, in line 12 of section 1.

5th. Strike out section 2.

6th. Strike out section 3.

7th. Strike out section 4.

8th. Strike out section 5 and insert the following:

No city, county, town, precinct, municipality, or other subdivision of the state shall ever make donations to any railroad or other work of internal improvement unless a proposition so to do shall have been first submitted to the qualified electors thereof at an election by authority of law: PROVIDED, That such donations of a county with such subdivisions in the aggregate shall not exceed ten per cent of the assessed valuation of such county. Provided, further, that any city or county may by a two-third vote increase such indebtedness five per cent in addition to such ten per cent.

And no bonds or evidence of indebtedness so issued shall be valid unless the same shall have endorsed thereon a certificate signed by the secretary and auditor of state showing that the same is issued pursuant to law.

The committee of the whole have also had under consideration section 1 of the article on internal improvements and report the same back with the following substitute therefor and recommend its adoption.

Sec. — —. The credit of the state shall never be given or bound in aid of any individual, association or corporation.

FRANK MARTIN,
Chairman.

The question being upon the report of the committee of the whole, Mr. Laird moved that the further consideration of the whole subject matter be postponed until Tuesday at 10 o'clock a. m.; which was agreed to.

On motion of Mr. Agur, the convention resolved itself into the committee of the whole house to take under consideration the article on state, counties, and county boundaries with Mr. Hinman in the chair.

After some time spent therein, the committee arose and by its chairman submitted the following report:

Mr. President, the convention in committee of the whole have had under consideration the article on counties with the report of the committee on state, counties, and county boundaries recommending amendments to said article and recommend that the first amendment of said committee be concurred in as follows:

1st. Strike out after the word determine, in line 3 of sec. 6, down to and including the word provide, in line 7.

The committee further rcommend the following amendments to said article:

1st. Strike out all of section 6 after the word law, in section 10.

2d. Add the following new section:

Sec. 6. Contiguous parts of two counties where each of such counties exceed[s] eight hundred square miles may be organized by the legislature into a new county upon a petition of two-thirds of the legal voters of such parts, without submitting the question to a vote of the people of the counties. Hawley.

And the committee of the whole report back the additional sections proposed by said committee with the recommendation that they be not concurred in

B. I. HINMAN,
Chairman.

Mr. Warring [Walling or Warrington?] moved that the convention ad-

journ; which was disagreed to.

On motion of Mr. Hayward, the convention adjourned until 7:30 o'clock this evening.

Evening Session.

7:30 o'clock p. m.

Convention called to order by the president.

Roll called.

PRESENT.

Abbott,	Hawley,
Broady,	Hayward,
Clark,	Hunter,
Cummins,	Laird,
Dawes,	McPherson,
Doom,	Peery,
Dunlap,	Powers,
Garber,	Rees,
Gere,	Sauls,
Grebe,	Smith,
Griffing,	Sterns,
Gwyer,	Stevenson,
Hamilton,	Thompson,
Harper,	Wilcox,
Harrington,	Mr.President.—30.

ABSENT.

Agur,	Hopewell,
Becker,	Kendall,
Boyd,	Martin,
Briggs,	Matthews,
Brown,	Munger,
Burtch,	Pierce,
Calhoun,	Pound,
Carns,	Robertson,
Coates,	Rogers,
Conner,	Shedd,
Eldridge,	Thorne,
Ewan,	Vallery,
Foss,	Van Wyck,
Frady,	Walther,
Grenell,	Walling,
Hallner,	Warrington,
Henry,	Weaver,
Hinman,	Zediker.—39.

[Kirkpatrick, Manderson, Maxwell omitted.—Ed.]

There not being a quorum present, on motion, the convention adjourn until Monday at 9 o'clock a. m.

TWENTY-THIRD DAY

Lincoln, Monday, June 7th, 18

The convention met pursuant adjournment and was called to ord by the president.

The roll was called.

PRESENT.

Abbott,	Hayward,
Agur,	Henry,
Broady,	Hinman,
Clark,	Hunter,
Coates,	Laird,
Conner,	Martin,
Cummins,	McPherson,
Dawes,	Peery,
Doom,	Pound,
Dunlap,	Powers,
Eldridge,	Rees,
Frady,	Sauls,
Garber,	Smith,
Gere,	Sterns,
Grebe,	Stevenson,
Grenell,	Thompson,
Griffing,	Vallery,
Gwyer,	Walling,
Hallner,	Warrington,
Hamilton,	Weaver,
Harper,	Wilcox,
Harrington,	Zediker,
Hawley,	Mr.President.—41

ABSENT.

Becker,	Manderson,
Boyd,	Matthews,
Briggs,	Maxwell,
Brown,	Munger,
Burtch,	Pierce,
Calhoun,	Robertson,
Carns,	Rogers,
Ewan,	Shedd,
Foss,	Thorne,
Hopewell,	Van Wyck,
Kendall,	Walther.—23.
Kirkpatrick,	

Prayer by Rev. Mr. Davis.

Journal read and approved as co rected.

The president stated that the first business in order was the unfinished business of Saturday, viz: the further consideration of the article on counties.

The question being upon the adoption of the amendments recommended by the committee of the whole, the first and second amendments were concurred in.

The third amendment being under consideration, Mr. Warrington offered the following substitute:

PROVIDED, That parts of two counties heretofore existing as a county may be divided by the legislature upon a petition of two-thirds of the legal voters of said parts without submitting the same to a vote of the people; which substitute was rejected.

Mr. Doom offered the following substitute to the third amendment recommended by the committee of the whole house.

Sec. 6. Contiguous parts of two counties where each of such counties exceed eight hundred square miles may be organized by the legislature into a new county, upon the petition of two-thirds of the legal voters of such parts, the correctness of such petitions to be verified by the certificate of the county clerks of the respective counties.

PROVIDED, That the organization of such new county shall not take effect until submitted to and ratified by a majority of the legal voters residing within the limits of the proposed county.

PROVIDED, further, that no county shall be reduced by such division to a less area than four hundred miles exclusive of Indian or other government reservations.

Mr. Robertson moved to strike out the word verified and insert in lieu thereof the word certified.

The question recurring upon the adoption of the substitute offered by Mr. Doom, it was rejected.

The question being upon recommendation of the committee of the whole to add a new section to said article, it was rejected.

The recommendation of the committee of the whole relative to additional sections proposed by the committee on state, counties and county Boundaries was concurred in.

The question being upon the adoption of the article as amended, Mr. Hawley moved to strike out section 2.

The yeas and nays being demanded, those voting in the affimative [were]

Broady,	Henry,
Conner,	Hunter,
Dunlap,	Laird,
Garber,	Martin,
Grebe,	Powers,
Grenell,	Sauls,
Griffing,	Sterns,
Gwyer,	Thompson,
Harper,	Weaver,
Hawley,	Zediker. -20.

Negative,

Agur,	Matthews,
Carns,	Peery,
Cummins,	Pound,
Dawes,	Rees,
Doom,	Robertson,
Eldridge,	Smith,
Frady,	Sterns,
Hallner,	Vallery,
Hamilton,	Walling,
Harrington,	Warrington,
Hayward,	Wilcox,
Hinman,	Mr. President.—25.
Kirkpatrick,	

Absent,

Abbott,
Becker,
Boyd,
Briggs,
Brown,
Burtch,
Calhoun,
Clark,
Ewan,
Foss,
Gere,
Hopewell,
Kendall,
Manderson,
Maxwell,
McPherson,
Munger,
Pierce,
Rogers,
Shedd,
Stevenson,
Thorne,
Van Wyck,
Walther.—24.

A majority of the members present voting in the negative, the motion to strike out section 2 was lost.

Mr. Henry moved to amend section 3 by striking out the word petition and insert in lieu thereof the word vote; which was disagreed to.

On motion, the article was adopted as amended and ordered engrossed for a third reading.

Mr. Gwyer, from the committee on engrossment and enrollment, submitted the following report:

Mr. President, the committee on enrollment and engrossment respectfully report that they have examined the article entitled Incidental Expenses and find the same to be correctly engrossed.

WM. A. GWYER,
Chairman.

The article entitled Incidental Expenses having been reported as being correctly engross[ed], was read a third time and put upon its passage.

The question being, Shall the article entitled Incidental Expenses be adopted, those voting in the affirmative were

Agur,
Broady,
Carns,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Dunlap,
Eldridge,
Frady,
Garber,
Grebe,
Grenell,
Griffing,
Gwyer,
Hallner,
Hamilton,
Harrington,
Hayward,
Henry,
Hinman,
Hunter,
Kirkpatrick,
Laird,
Martin,
Matthews,
Peery,
Pound,
Powers,
Rees,
Robertson,
Sauls,
Smith,
Sterns,
Thompson,
Vallery,
Walling,
Warrington,
Weaver,
Wilcox,
Zediker,
Mr. President.—43

Voting in the negative,

Harper.—1.

Absent,

Abbott,
Becker,
Boyd,
Briggs,
Brown,
Burtch,
Calhoun,
Clark,
Ewan,
Foss,
Gere,
Hawley,
Hopewell,
Kendall,
McPherson,
Manderson,
Maxwell,
Munger,
Pierce,
Rogers,
Shedd,
Stevenson,
Thorne,
Van Wyck,
Walther.—25.

A majority of the members of t convention voting therefor, the artic was adopted and referred to the co mittee on revision and adjusti [adjustment?].

On motion of Mr. Weaver, the co vention resolved itself into a co mittee of the whole house on the a ticle reported by the committee Education, with Mr. Abbott in t chair.

After some time spent therein, the committee arose and by its chairman reported progress and asked leave to sit again.

Mr. Conner offered the following resolution, which was adopted.

RESOLVED, That the secretary of this convention be requested to wait upon the state printers and learn when the reports of the committees on the legislative article and legislative apportionment will be printed; or if the same are now printed, that said articles be laid upon the table of each member by the hour of 2 o'clock p. m., this afternoon.

CONNER.

On motion the convention adjourned until two o'clock this p. m.

Afternoon Session.

Two o'clock p. m.

The convention was called to order by the president.

The roll was called and there were

PRESENT.

Abbott,	Gwyer,
Agur,	Hallner,
Broady,	Hamilton,
Calhoun,	Harper,
Carns,	Harrington,
Clark,	Hawley,
Coates,	Hayward,
Conner,	Henry,
Cummins,	Hinman,
Dawes,	Hunter,
Doom,	Kendall,
Dunlap,	Kirkpatrick,
Eldridge,	McPherson,
Foss,	Martin,
Frady,	Matthews,
Garber,	Munger,
Gere,	Peery,
Grebe,	Pound,
Grenell,	Powers,
Griffing,	Rees,
Sauls,	Van Wyck,
Smith,	Walling,
Sterns,	Warrington,
Stevenson,	Weaver,
Thompson,	Wilcox,
Thorne,	Zediker,
Vallery,	Mr. President.—55.

[Laird omitted.—Ed.]

ABSENT.

Becker,	Manderson,
Boyd,	Maxwell,
Briggs,	Pierce,
Brown,	Robertson,
Burtch,	Rogers,
Ewan,	Shedd,
Hopewell,	Walther.—14.

On motion of Mr. Martin, the convention resolved itself into a committee of the whole house for the further consideration of the article on education with Mr. Abbott in the chair.

After some time spent therein, the committee arose and by its chairman submitted the following report:

Mr. President, the convention, in committee of the whole, have had under consideration the article upon education and would respectfully report the following amendments thereto:

1st. Insert the word governor, in line 1st of section 1, before the word[s] "secretary of state."

2d. Strike out all words after the word applied, in the fifth line of section 4, except the words "to the support and maintenance of common schools in each school district in the state."

3d. By adding to section 8 the following words: "nor less than its appraised value."

4th. By adding the following words after the word undiminished: "No school funds shall be invested or loaned except on United States or

state securities." in line 4 of section 9.

5th. Strike out section 12.

O. A. ABBOTT.
Chairman.

The question being upon the adoption of the report of the committee of the whole, the first, second, and third amendments, as recommended, were concurred in.

The question being on the fourth amendment, as recommended by the committee of the whole house, Mr. Zediker moved to amend section 9 by inserting after "state securities" the words "registered county bonds of this state;" which agreed to and the fourth amendment, as amended, was concurred in.

The question being upon the striking out of section 12, as recommended by the committee of the whole, the yeas and nays were demanded.

Those voting in the affirmative were

Broady.	Hunter.
Eldridge.	Matthews.
Grenell.	McPherson.
Griffin.	Peery.
Henry.	Stevenson.
Hitman.	Thompson.—12.

Voting in the negative were

Abbott.	Grebe.
Agar.	Guyer.
Calhoun.	Haller.
Carns	Hamilton.
Clark	Harper.
Conner.	Harrington.
Cummins.	Hawley
Davies	Hayward.
Doom	Kendall.
Dunlap	Kirkpatrick.
Foss	Laird
Fraip	Martin.
Garber.	Pound.
Gere.	Powers.
Rees.	Waring.
Sacks.	Warrington.
Smith.	Weaver.
Sterns.	Wilcox.
Thorne.	Zediker.
Vallery.	Mr. President—
Van Wyck.	

Absent.

Becker.	Masters.
Boyd.	Marvel.
Briggs.	Munger.
Brown.	Pierce.
Burich.	Robertson.
Coates.	Rogers.
Ewan.	Shedd.
Hopewell.	Walther.—11

A majority of the convention having voted in the negative, the recommendation of the committee of the whole was rejected.

Mr. Abbott moved to strike out section two.

A division being called for the motion to strike out was lost.

Mr. Hayward moved to reconsider the vote adopting the amendment to section nine.

The yeas and nays being demanded, those voting in the affirmative were

Agar	Munger.
Broady.	Peery.
Calhoun.	Pierce.
Doom.	Pound.
Dunlap	Rees.
Grenell.	Smith.
Hayward.	Stevenson.
Henry.	Thompson.
Hitman.	Van Wyck.
Kirkpatrick.	Wilcox.—21.

[Cams omitted.—Ed.]

Voting in the negative

Abbott.	Conner.
Becker.	Cummins.
Clark.	Davies.

Martin,
Matthews,
McPherson,
Powers,
Robertson,
Sauls,
Shedd,
Sterns,
Thorne,
Vallery,
Walling,
Warrington,
Weaver,
Zediker,
Mr. President.---37.

Hopewell,
Manderson,
Maxwell,
Rogers,
Walther.---11.

ority of the members voting
gative, the motion to recon-
s disagreed to.

inman moved to amend sec-
lve by striking out of the
l second lines the words
or schools" and insert the
ouse of reformation;" also,
it all after the word who
ird line and add "convicted
s or misdemeanors;" which
as agreed to and the amend-
ncurred in.

an Wyck offered the follow-
titute to section 12.

egislature may provide for
olishment by cities or coun-
chools for the safekeeping,
, employment and reforma-
ll children under the age of
ears who for want of proper
care or other causes are
up in mendicancy, ignorance,
or vice.

The motion to adopt the foregoing amendment was disagreed to.

Section 12, as amended, was adopted.

The question being upon the adoption of the article as amended, Mr. Doom moved to reconsider the vote by which section 12 was adopted. A division being called for, the motion was decided in the affirmative.

The question being upon the adoption of section 12, Mr. Smith moved to strike out section 12. The president ruled the motion out of order.

Mr. Rees moved to reconsider the vote by which the amendment offered by Mr. Hinman was adopted; which was agreed to.

The question recurring upon the adoption of the amendment offered by Mr. Hinman, it was decided in the negative.

The question being upon the adoption of the original section, by unanimous consent Mr. Laird moved to amend by striking out the words "ignorance, idleness or vice" and insert the words "or crime." Concurred in.

The question being on the adoption of section 12, as amended, the yeas and nays were demanded.

Voting in the affirmative,

Abbott,
Agur,
Boyd,
Broady,
Calhoun,
Carns,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Dunlap,
Foss,
Frady,
Gere,
Grebe,

towns, precincts, school districts, and other municipalities.

C. H. VAN WYCK,
Chairman.

On motion of Mr. Hayward, the convention adjourned until 2 o'clock p. m.

Afternoon Session.

The convention was called to order by the president.

Two o'clock p. m.

The roll was called.

PRESENT.

Abbott,	Henry,
Agur,	Hinman,
Becker,	Hunter,
Boyd,	Kendall,
Brown,	Kirkpatrick,
Broady,	Laird,
Burtch,	McPherson,
Calhoun,	Manderson,
Carns,	Martin,
Clark,	Matthews,
Coates,	Maxwell,
Conner,	Munger,
Cummins,	Peery,
Dawes,	Pound,
Doom,	Powers,
Dunlap,	Rees,
Eldridge,	Sauls,
Ewan,	Shedd,
Foss,	Smith,
Frady,	Sterns,
Garber,	Stevenson,
Gere,	Thompson,
Grebe,	Vallery,
Grenell,	Van Wyck,
Griffing,	Walther,
Gwyer,	Walling,
Hallner,	Warrington,
Hamilton,	Weaver,
Harper,	Wilcox,
Hawley,	Zediker,
Hayward,	Mr. President.—62.

ABSENT.

Briggs,	Robertson,
Harrington,	Rogers,
Hopewell,	Thorne.—7.
Pierce,	

The president announced the ness in order is the unfinished ness of the forenoon, viz: the sideration of the report of the mittee of the whole house upo article reported by the legis committee.

The question being upon the tion of the report of the comi of the whole house, the first, s third, fourth, fifth, and sixth a ments recommended by the co tee of the whole house, were c red in.

The question being upon the tion of the seventh amendme division was called for and i concurred in.

The question being upon the tion of the article, as amend the committee of the whole Mr. Boyd moved to amend s 3 by striking out the word e four and inserting the word se five.

The yeas and nays being der ed, those voting in the affirm [were]

Abbott,	Martin,
Boyd,	Maxwell,
Broady,	Munger,
Brown,	Peery,
Burtch,	Pierce,
Ewan,	Pound,
Grebe,	Rees,
Grenell,	Shedd,
Hallner,	Thompson,
Kirkpatrick,	Vallery.—21
Manderson,	

NEGATIVE.

Agur,	Clark,
Becker,	Coates,
Calhoun,	Conner,
Carns,	Cummins,

Dawes,	McPherson,
Doom,	Matthews,
Dunlap,	Powers,
Eldridge,	Robertson,
Foss,	Sauls,
Frady,	Smith,
Garber,	Sterns,
Griffing,	Stevenson,
Hamilton,	Thorne,
Harper,	Van Wyck,
Hawley,	Walther,
Hayward,	Walling,
Henry,	Warrington,
Hinman,	Weaver,
Hunter,	Wilcox,
Kendall,	Zediker,
Laird,	Mr. President.—42

ABSENT.

Briggs,	Harrington,
Gere,	Hopewell,
Gwyer,	Rogers.—6.

A majority of the members voting in the negative the amendment was lost.

By unanimous consent the committee on schedule submitted the following report.

[Report not supplied.—Ed.]

The report of the committee on schedule was read the first time.

The rules were suspended two-thirds of the members voting therefor, and the report was read a second time by its title and referred to the committee of the whole house.

The question recurring upon section 3 of the legislative article, it was adopted as amended.

The question being upon the adoption of section 4, Mr. Smith offered the following amendment:

Strike out the words "each member of the legislature," in line 1 in the amendment to section 4, and insert the words "The terms of office of the members of the legislature shall be two years and they;" which amendment was concurred in.

Mr. Henry offered the following amendment to be added to section 4: "but neither members of the legislature nor employees shall receive any perquisite or pay other than their per diem and mileage;" which was concurred in.

Section 13 was adopted as amended.

Section 15 was adopted as amended.

Section 17 was stricken out.

Section 18 was stricken out.

Section 19 was adopted as amended.

Mr. Weaver offered the following additional section:

"None of the lands subject to disposal by the state shall ever be donated to any railroad company, corporation, company or individuals; which was adopted.

Section 21 was stricken out.

Mr. Abbott offered the following as a substitute to section 24.

"No money shall be paid out of the treasury except in pursuance of an appropriation by law;" which amendment was disagreed to.

By consent all sections not amended were adopted. The article as amended was adopted and ordered engrossed for a third reading.

By unanimous consent, Mr. Van Wyck, from the committee on revision and adjustment, submitted the folowing report:

ing voted in the negative, the motion was lost.

Mr. Robertson moved to strike out the words "sixty days" and insert the words "ten days."

Mr. Garber moved, as an amendment to the foregoing motion, to strike out the words "sixty days" and insert the words "thirty days;" which amendment was agreed to, and the motion as amended prevailed.

The article entitled Right of Suffrage was ordered enrolled.

Mr. Weaver moved to reconsider the vote by which the article entitled "Bill of Rights" was ordered enrolled; which motion prevailed.

Mr. Maxwell moved to insert the words "or damaged" in section 21; which was agreed to, and the article was ordered enrolled.

The president announced the special order for the further consideration of the article on revenue and finance.

The question being upon the adoption of the substitute offered by Mr. Weaver, the substitute offered by Mr. Weaver was, by consent, withdrawn.

The question being upon the adoption of the article entitled Revenue and France, it was adopted, unanimous consent being given. Mr. Hayward moved to insert the words "or any corporation" between the words "thereof" and "or" in line 2 and section 6; also moved to insert the words "or due any municipal corporation" after the word purpo es, in line 3, section 6; which w concurred in by unanimous consen Mr. Gwyer moved to strike o the word but, in the fourth line section 1 and insert, in lieu there the word and.

The article on revenue and finan was adopted and ordered engross for a third reading.

On motion of Mr. Kirkpatric at 4:45 o'clock, the convention a journed until tomorrow morning 9 o'clock.

Twenty-fifth Day.

Lincoln, Wednesday, June 9, 18

The convention met pursuant adjournment and was called to ord by the president.

Roll called;

PRESENT.

Abbott,	Griffing,
Agur,	Gwyer,
Becker,	Hallner,
Boyd,	Hamilton,
Briggs,	Harper,
Broady,	Harrington,
Brown,	Hawley,
Burtch,	Hayward,
Calhoun,	Henry,
Carns,	Hinman,
Clark,	Hopewell,
Coates,	Hunter,
Conner,	Kendall,
Cummins,	Kirkpatrick,
Dawes,	McPherson,
Doom,	Manderson,
Dunlap,	Martin,
Eldridge,	Matthews,
Ewan,	Maxwell,
Foss,	Munger,
Frady,	Peery,
Garber,	Pierce,
Gere,	Pound,
Grebe,	Powers,
Grenell,	Rees,

Robertson, Van Wyck,
Rogers, Walther,
Shedd, Walling,
Smith. Warrington,
Sterns, Weaver,
Thompson. Wilcox,
Thorne. Zediker,
Vallery, Mr.President.—66.

ABSENT.

Laird, Stevenson.—3.
Sauls.

The journal was read and approved as corrected.

Mr. Gere from the committee on miscellaneous subjects, reported an article amendatory to the constitution, which was read the first time.

On motion, the rules were suspended, two-thirds of the members voting therefor, and the article was read a second time by its title, ordered not printed and referred to the committee of the whole house.

Mr. Gwyer, from the committee on engrossment and enrollment, submitted the following report:

Mr. President, the committee on enrollment and engrossment respectfully report that they have examined the article entitled miscellaneous provisions and find the same correctly engrossed.

WM. A. GWYER,
Chairman.

Mr. Gwyer moved to indefinitely postpone section 5 of the article entitled Miscellaneous Provisions.

Mr. Smith received leave of absence.

The question being upon the motion offered by Mr. Gwyer, the yeas and nays were demanded.

Those voting in the affirmative were]

Abbott, Henry,
Boyd, Hinman,
Briggs, Kendall,
Burtch, Laird,
Calhoun, Manderson,
Coates, Munger,
Dunlap, Pierce,
Eldridge, Rees,
Frady, Robertson,
Garber, Rogers,
Grenell, Shedd,
Griffing, Sterns,
Gwyer, Walther,
Harper, Warrington,
Hawley, Weaver,
Hayward, Mr.President.—33.

[32

Neg[ative,]

Agur, Hopewell,
Becker, Hunter,
Broady, McPherson,
Brown, Matthews,
Carns, Maxwell,
Clark, Peery,
Conner. Pound,
Cummins, Powers,
Dawes, Sauls,
Doom, Stevenson,
Ewan, Thompson.
Foss, Thorne,
Gere, Vallery,
Grebe, Van Wyck,
Hallner Walling,
Hamilton, Wilcox,
Harrington, Zediker.—34.

A majority of the members present voting in the negative, the motion was lost.

Mr. Gwyer moved to postpone the further consideration of section 5 of the article on Miscellaneous Subjects until Monday next at 10 o'clock a. m.

The yeas and nays [being] demanded, [those voting in the affirmative were]

Abbott, Kendall,
Boyd, Laird,
Calhoun, Manderson,
Eldridge, Martin,
Garber, Munger,
Grenell, Pierce,
Gwyer, Robertson,
Hawley, Rogers,
Hayward, Walther,
Hinman, Mr. President.—20.

[Those voting in the negative were]

Agur, Henry,
Becker, Hopewell,
Briggs, Hunter,
Broady, McPherson,
Brown, Matthews,
Carns, Maxwell,
Clark, Peery,
Coates, Pound,
Conner, Powers,
Cummins, Rees,
Dawes, Sauls,
Doom, Shedd,
Dunlap, Sterns,
Ewan, Stevenson,
Foss, Thompson,
Frady, Thorne,
Gere, Vallery,
Grebe, Van Wyck,
Griffing, Walling,
Hallner, Warrington,
Hamilton, Weaver,
Harper, Wilcox,
Harrington, Zediker.—46.

Absent,

Burtch, Smith.—3.
Kirkpatrick,

A majority of the members present having voted in the negative, the motion to postpone was lost.

On motion of Mr. Van Wyck, the convention adjourned until 2 o'clock p. m.

Afternoon Session.

Two o'clock p. m.

The convention was called to order by the president.

The roll was called, and there were

PRESENT

Abbott, Hunter,
Agur, Kendall,
Becker, Kirkpatrick,
Briggs, Laird,
Broady, McPherson,
Brown, Maxwell,
Clark, Peery,
Coates, Pierce,
Conner, Pound,
Cummins, Powers,
Dawes, Rees,
Doom, Robertson,
Dunlap, Sauls,
Eldridge, Shedd,
Ewan, Smith,
Foss, Sterns,
Garber, Stevenson,
Grebe, Thompson,
Griffing, Thorne,
Gwyer, Vallery,
Hallner, Van Wyck,
Hamilton, Walther,
Harper, Warrington,
Harrington, Weaver,
Hawley, Wilcox,
Hayward, Zediker,
Henry, Mr. President.—55.
Hinman,

ABSENT.

Boyd, Hopewell,
Burtch, Manderson,
Calhoun, Martin,
Carns, Matthews,
Frady, Munger,
Gere, Rogers,
Grenell, Walling.—14.

Mr. Conner moved to postpone the further consideration of the article on Miscellaneous Subjects until ten o'clock tomorrow morning; which was agreed to.

Mr. Wilcox received leave of absence.

Mr. Van Wyck, from the com-

)n revision and adjustment, d the following report:

Second Report.

State of Nebraska,
Constitutional Convention,
June 9, 1875,

·ommittee on revision and ent, to whom were referred engrossed articles, most res- report that they have exam- same and recommend:

That the article on amend- enrolled without amend-

1. That the article on rail- amended in the last clause on 5 by striking out "no," 's" to "corporation" and in- t" after the word shall so it l "The capital stock of rail- ·porations shall not be in- etc."

That the article on execu- artment be amended in first f the sixteenth section by out "to the senate;" also by out section 24 and inserting hereof:

ılaries of the governor, audi- ıblic accounts and treasurer $2500 each per annum and secretary of state, attorney superintendent of public on, and commissioner of ınds and buildings shall be ach per annum. The lieu- ;overnor shall receive twice)ensation of a senator and af- adoption of this constitution ıll not receive to their own fees, costs, interest upon ıoneys in their hands or un- · control, perquisites of office compensation, and all fees y hereafter be payable by services performed by any ·ovided for in this article of titution shall be paid in ad- to the state treasury. There no allowance for clerk hire in the offices of the superintendent of public instruction and attorney general.

Fourth. That the article on the judicial department be enrolled without amendment.

C. H. VAN WYCK,
Chairman.

The report of the committee on revision being under consideration, the first recommendation of the committee was concurred in, and the article entitled Amendments was ordered enrolled.

The amendment to the article entitled Executive and the substitute for section 24 of said article were adopted as recommended.

The article on judiciary was ordered enrolled.

Mr. Gwyer, from the committee on engrossment and enrollment, submitted the following report:

Mr. President, the committee on enrollment and engrossment respectfully report that they have examined the articles entitled Legislative, Counties, Revenue and Finance, and Education, and find the same correctly engrossed.

Respectfully,
WM. A. GWYER,
Chairman.

The article on Legislature having been reported as correctly enrolled, was read a third time and put upon its passage.

The question being, Shall the article as read be adopted?—those voting in the affirmative were

Abbott,	Briggs,
Agur,	Broady,
Becker,	Brown,
Boyd,	Calhoun,

Carns,
Clark,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Dunlap,
Eldridge,
Ewan,
Foss,
Frady,
Garber,
Grenell,
Griffing,
Gwyer,
Hallner,
Hamilton,
Harper,
Harrington,
Hayward,
Henry,
Hinman,
Hopewell,
Hunter,
Kendall,
Kirkpatrick,
Laird,
McPherson,
Manderson,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,
Robertson,
Sauls,
Smith,
Sterns,
Stevenson,
Thompson,
Thorne,
Vallery,
Van Wyck,
Walther,
Walling,
Warrington,
Weaver,
Zediker,
Mr. President.—61.

Voting in the negative,

Burtch, Grebe.- 2.

Absent,

Gere, Rogers,
Hawley, Shedd,
Martin, Wilcox.—6.

A majority of the members of the convention having voted therefor, the article on Legislature was adopted and referred to the committee on revision and adjustment.

The article entitled Counties, having been reported correctly engrossed, was read a third time and put upon its passage, the question being, Shall the article be adopted? Those voting in the affirmative were

Abbott, Boyd,
Agur, Briggs,
Becker, Broady,
Brown, Kendall,
Burtch, Laird,
Calhoun, McPherson,
Carns, Manderson,
Clark, Matthews,
Coates, Maxwell,
Conner, Munger,
Cummins, Peery,
Dawes, Pierce,
Doom, Pound,
Dunlap, Powers,
Eldridge, Rees,
Ewan, Robertson,
Foss, Sauls,
Frady, Shedd,
Garber, Smith,
Grebe, Sterns,
Grenell, Stevenson,
Griffing, Thompson,
Gwyer, Thorne,
Hallner, Vallery,
Hamilton, Van Wyck,
Harper, Walther,
Harrington, Walling,
Hayward, Warrington,
Henry, Weaver,
Hinman, Zediker,
Hopewell, Mr. President.—61.
Hunter,

Voting in the negative,

Kirkpatrick.—1.

Absent,

Gere, Rogers,
Hawley, Wilcox.—5.
Martin,

A majority of the members of the convention having voted therefor the article entitled Counties was adopted and referred to the committee on revision and adjustment.

The article upon Revenue and Finance, having been reported correctly engrossed, was read a third time and put upon its passage. The question being, Shall the article as read be adopted? those voting in the affirmative were

Agur, Becker,

Hopewell,
Hunter,
Kirkpatrick,
Laird,
McPherson,
Manderson,
Martin,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,
Robertson,
Sauls,
Shedd,
Smith,
Sterns,
Thompson,
Thorne,
Vallery,
Van Wyck,
Walther,
Walling,
Warrington,
Weaver,
Zediker,
Mr. President.—62.

ing in the negative

Kendall.
Stevenson.—5.

ent,

Wilcox. 2.

majority of the members of the ntion having voted therefor, ticle was adopted and referred committee on adjustment and on.

article upon education having eported correctly engrossed, it ead a third time and put upon sage the question being, Shall rticle as read be adopted?

those voting in the affirmative were

Abbott,
Agur,
Becker,
Boyd,
Broady,
Brown,
Calhoun,
Carns,
Clark,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Dunlap,
Eldridge,
Ewan,
Foss,
Frady,
Garber,
Gere,
Grebe,
Greneil,
Griffing,
Gwyer,
Hallner,
Hamilton,
Harper,
Harrington,
Hawley,
Hayward,
Henry,
Hinman,
Hopewell,
Hunter,
Kendall,
Kirkpatrick,
Laird,
McPherson,
Manderson,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,
Robertson,
Sauls,
Shedd,
Smith,
Sterns,
Thorne,
Van Wyck,
Walther,
Walling,
Warrington,
Weaver,
Zediker,
Mr. President.—61.

Voting in the negative,

Burtch,
Martin,
Stevenson,
Thompson,
Vallery.—5.

Absent,

Briggs,
Rogers,
Wilcox.—3.

A majority of the members of the convention having voted in the affirmative, the article was adopted and referred to the committee on revision and adjustment.

Mr. Garber, from the committee on state institutions and public buildings, reported an article amendatory to the constitution, which was read a first time.

Mr. Hayward's amendment, it was disagreed to.

Mr. Hayward offered the following amendment:

Stockholders in all corporations shall be liable for the debts to a sum equal to the amount of their stock.

The yeas and nays being demanded, [those voting in the affirmative were.]

Cummins,	Thompson,
Dawes,	Thorne,
Doom,	Vallery,
Ewan,	Van Wyck,
Foss,	Walther,
Laird,	Warrington,
Matthews,	Weaver,
Peery,	Hayward,
Smith,	Hinman—19.
Stevenson,	

[Those voting in the negative]:

Abbott,	Harrington,
Becker,	Hawley
Boyd,	Henry,
Briggs,	Kendell,
Broady,	McPherson,
Brown,	Manderson,
Burtch,	Martin,
Calhoun,	Munger,
Clark,	Pierce,
Coates,	Pound,
Conner,	Powers,
Eldridge,	Rees,
Frady,	Robertson,
Garber,	Rogers,
Gere,	Sauls,
Grebe,	Shedd,
Griffing,	Sterns,
Gwyer,	Walling,
Hallner,	Zediker,
Hamilton,	Mr. President—41
Harper,	

Absent,

Agur,	Kirkpatrick,
Carns,	Maxwell,
Grenell,	Wilcox,
Dunlap,	

[Hopewell and Hunter omitted.—Ed.]

A majority of the members v in the negative, the amendment disagreed to.

Mr. Van Wyck offered the fo ing amendment:

Stockholders of all corpora shall be individually liable to amount of the par value of the held by each, less the amount r ed from the corporate propert the corporation or association.

VAN WYCK.

Mr. Boyd moved the previous q tion, which was seconded and main question ordered to be now viz: "Will the convention agree the amendment offered by Mr. V Wyck?"

The yeas and nays were demand ed. [and those voting in the affirmative were]

Cummins,	Smith,
Dawes,	Stevenson,
Doom,	Thompson,
Ewan,	Thorne,
Foss,	Vallery,
Hayward,	Van Wyc[redacted],
Hinman,	Walther,
Laird,	Warringt[redacted]on,
Matthews,	Weaver———19.
Rogers,	

[Those voting in the ne were]

Abbott,	Gere,
Becker,	Grebe,
Boyd,	Griffing,
Briggs,	Gwyer,
Broady,	Hallner,
Brown,	Hamilton,
Burtch,	Harper,
Calhoun,	Harrington,
Clark,	Hawley,
Coates,	Henry,
Conner,	Kendall,
Eldridge,	McPherson,
Frady,	Manderson,

Sauls,
Shedd,
Sterns,
Walling,
Zediker,
Mr. President—39

Hunter,
Kirkpatrick,
Maxwell,
Peery,
Wilcox—11.

ority of the members pres-
ig voted in the negative,
dment offered by Mr. Van
s disagreed to.

estion being upon the adop-
ection 4, the yeas and nays
anded. [Those voting in
ative were]

Harper,
Harrington,
Hawley,
Henry,
Kendall,
McPherson,
Manderson,
Martin,
Munger,
Pierce,
Pound,
Powers,
Rees,
Robertson,
Sauls,
Shedd,
Thorne,
Walling,
Zediker,
Mr. President—40.

voting in the negative

Foss,
Hayward,
Hinman,
Laird,
Matthews,
Rogers,
Smith,
Sterns,
Stevenson,
Thompson,
Vallery,
Van Wyck,
Walther,
Warrington,
Weaver—19.

Absent,

Agur,
Carns,
Dunlap,
Grenell,
Hopewell,
Hunter,
Kirkpatrick,
Maxwell,
Peery,
Wilcox—10.

A majority of the members of the convention having voted in the affirmative, section 4 was adopted.

Mr. Sterns received leave of absence.

Mr. Matthews offered the following amendatory section, which was read and referred to the committee on miscellaneous subjects.

Section —. The legislature shall by general law provide that all charitable or eleemosynary institutions shall be open to public inspection under the same general laws as govern asylums or other state institutions.

Mr. Hinman moved that the convention adjourn; which motion was lost.

The article on miscellaneous corporations was ordered engrossed for a third reading.

Mr. Martin moved to reconsider the vote by which section 4 was adopted; which motion prevailed.

The question recurring upon the adoption of section 4, Mr. Hinman offered the following amendment to section 4.

Strike out "stockholders," in the 3rd line, and insert "original sub-

scribers." Strike out "Provided that," and insert "and," in line 4.

A division of the question was called for.

Mr. Martin moved the previous question and, being seconded, the main question was now put, viz: Will the convention agree to the first amendment offered by Mr. Hinman, viz: Strike out the word stockholders, in the third line, and insert the words "original subscribers;" which was concurred in.

The question being, Will the convention agree to the second amendment offered by Mr. Hinman, viz: Strike out the word provided and insert the word and in line 4?

And, being put, it was decided in the affirmative.

On motion section 4 was adopted as amended and the article ordered engrossed for a third reading.

On motion of Mr. Hayward, at 10:25 p. m., the convention adjourned.

Twenty-sixth Day.

Lincoln, Thursday, June 10, 1875.

The convention met, pursuant to adjournment, and was called to order by the president.

The roll was called and there were

PRESENT

Abbott, Agur, Becker, Boyd, Briggs, Broady, Brown, Burtch, Calhoun, Carns, Clark, Coates, Conner, Cummins, Dawes, Doom, Dunlap, Eldridge, Ewan, Foss, Frady, Garber, Gere, Grebe, Grenell, Griffing, Gwyer, Hallner, Hamilton, Henry, Hinman, Hopewell, Hunter, Kendall, Kirkpatrick, Manderson, Martin, McPherson, Matthews, Maxwell, Munger, Peery, Pierce, Pound, Powers, Rees, Robertson, Sauls, Shedd, Smith, Stevenson, Thompson, Thorne, Vallery, Van Wyck, Walther, Walling, Warrington, Weaver, Zediker, Mr. President—6

[Harper, Harrington, Hayw Hawley omitted.—Ed.]

ABSENT.

Laird, Rogers, Sterns, Wilcox.—4.

Journal read and approved as c rected.

Moved that section 5 of the art on miscellaneous provisions be committed to the committee on m cellaneous subjects with instructi to report the same back as sepe[a]rate article.

A division of the question was c ed for, the question being, Shall tion 5, as aforesaid, be recommitt

It was decided in the affirmat

The question being, Shall the tion be reported back as a sepa article? it was so ordered.

The convention proceeded to further consideration of the rem ing sections of said article and

was read the third time and upon its passage.

those voting in the affirmative

,	Hopewell,
,	Hunter,
h,	Kirkpatrick,
s,	Matthews,
,	Maxwell,
es,	Peery,
er,	Pierce,
nins,	Pound,
,	Rees,
,	Shedd,
	Thompson,
	Thorne,
e,	Vallery,
ell,	Van Wyck,
ng,	Walther,
ier,	Weaver,
ington,	Zediker.—35.
ey,	

those voting in the negative

tt,	Kandall,
er,	Laird,
dy,	McPherson,
oun,	Manderson,
ap,	Martin,
dge,	Munger,
y,	Powers,
er,	Robertson,
r,	Sauls,
ilton,	Smith,
er,	Stevenson,
ard,	Walling,
y,	Warrington,
an,	Mr. President—28.
sent,	
s,	Rogers,
n,	Sterns,
s,	Wilcox—6.

majority of the members of the ention voting therefor, the ar- entitled Miscellaneous Provis- was adopted and referred to the ittee upon revision and adjust-

Mr. Van Wyck, from the committee on revision and adjustment, submitted the following report:

State of Nebraska,
Constitutional Convention,
June 10, 1875.

The committee on revision and adjustment to whom were referred sundry articles respectfully report that they have examined,

First. The article on incidental expenses, and recommend that the same be placed at the beginning of section 22, in the article on the Legislature.

Second. The article on Counties, and recommend that the same be enrolled without amendment.

Third. The article on Legislature, and recommend that sec. 18 be stricken out and in lieu thereof insert:

Lands under control of the state shall never be donated to railroad companies, private corporations or individuals.

That section 22 be amended by inserting at the beginning thereof:

"No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation and upon an account specifying each item."

Fourth. The article on Education, and recommend that the same be enrolled without amendment.

C. H. VAN WYCK.
Chairman.

The report of the committee on revision and adjustment being under consideration, the recommendation relative to the article on Incidental Expenses was concurred in.

The article on Counties was ordered enrolled without amendment.

The amendment and substitute to

5th. Add to section 8 "on the first day of October, 1875."

WM. A. GWYER,
Chairman.

The question being upon the adoption of said report, all the amendments were concurred in.

The question being upon the adoption of the article as amended, Mr. Conner moved that section 13 be recommitted to the committee on schedule; which was agreed to, and the balance of the article adopted without objection.

On motion of Mr. Hayward, the convention resolved itself into committee of the whole for the consideration of the article reportd by the committee on state institutions and public buildings.

After some time spent therein, the committee arose and, by its chairman, submitted the following report:

Mr. President, the convention, in committee of the whole, have had under consideration the article on state institutions and public buildings, and report the same back to the convention with the recommendation that the article be indefinitely postponed.

M. R. HOPEWELL,
Chairman.

The question being upon the adoption of the recommendation of the committee it was so ordered.

On motion of Mr. Hinman, the convention resolved itself into committee of the whole for consideration of the section reported by the committee on miscellaneous provisions, relative to the seat of government, with Mr. Robertson in the chair.

After some time spent therein, the committee arose and, by its chairman, submitted the following report:

Mr. President, the convention, committee of the whole, have under consideration the article Seat of Government and report same back with the following stitute and recommend that it submitted as a separate article the constitution .

The seat of government of the st shall not be removed or reloca without the assent of a majo of the electors of the state vot thereupon at a general election. der, such rules and regulations as the number of elections and man of voting as may be prescribed law: Provided, the question of moval may be submitted at such ot general elections as may be provi by law.

W. A. ROBERTSON,
Chairman

The question being upon the ad tion of the report of the commit Mr. Abbott moved that the substi be indefinitely postponed.

The yeas and nays being dema ed, those voting in the affirmat [were]

Abbott,	Hunter,
Becker,	Kendall,
Brown,	Maxwell,
Burtch,	Munger,
Clark,	Powers,
Coates,	Robertson,
Frady,	Sauls,
Grebe,	Stevenson,
Grenell,	Thompson,
Griffing,	Vallery,
Harper,	Walling,
Hinman,	Warrington—25

[Boyd omitted.—Ed.]

[Those voting in the negati were]

Briggs,	Calhoun,
Broady,	Carns,

Manderson,
Martin,
Matthews,
Peery,
Pierce,
Pound,
Rees,
Rogers,
Shedd,
Thorne,
Van Wyck,
Walther,
Weaver,
Wilcox,
Zediker,
Mr. President—37.

McPherson,
Smith,
Sterns—7.

ajority of the members voting negative, the motion of Mr. was disagreed to.

Brown moved to amend the ute by striking out the word efore the word manner and the word voting insert "and to be voted for." Which was to.

question being upon the adopf the substitute as amended, as and nays were demanded by embers and those voting [in irmative were]

a and nay list missing.—Ed.]

ajority of the members voting affirmative, the substitute was d as amended.

question being upon ordering icle engrossed for a third read- a proposition to be separately

ted in the constitution, Mr. rd called for a division of the n and moved the previous question, which was seconded and ordered to be now put, viz: "Will the convention order the article engrossed for a third reading?" which was decided in the affirmative.

The question being, "Shall the article relative to the seat of government be submitted as a seperate article of the constitution?" the yeas and nays were demanded [and those voting in the affirmative were]

Becker,
Boyd,
Calhoun,
Clark,
Coates,
Conner,
Cummins,
Doom,
Ewan,
Frady,
Grebe,
Grenell,
Gwyer,
Hamilton,
Harper,
Harrington,
Henry,
Hinman,
Hunter,
Kirkpatrick,
Laird,
Manderson,
Martin,
Matthews,
Munger,
Powers,
Rees,
Robertson,
Sauls,
Thompson,
Thorne,
Walther,
Warrington,
Wilcox,
Zediker—35.

[Those voting in the negative were]

Abbott,
Briggs,
Broady,
Brown,
Burtch,
Carns,
Dawes,
Foss,
Garber,
Gere,
Griffing,
Hallner,
Hawley,
Hayward,
Kendall,
Maxwell,
McPherson,
Peery,
Pierce,
Pound,
Rogers,
Shedd,
Stevenson,
Vallery,
Van Wyck,
Walling,
Weaver,
Mr. President—28.

Absent,

Agur,
Dunlap,
Eldridge,
Hopewell,
Smith,
Sterns—6.

A majority of the members voting in the affirmative, the article was ordered to be submitted as a separate proposition to the constitution.

Mr. Gwyer from the committee on engrossment and enrollment, submitted the following reports:

Mr. President, the committee on enrollment and engrossment respectfully report that they have examined the article entitled Legislative Apportionment and find the same to be correctly engrossed.

WM. A. GWYER,
Chairman.

Mr. President, the committee on enrollment and engrossment respectfully report that they have examined the article entitled State, County, and Municipal Indebtedness, and Miscellaneous Corporations and find the same to be correctly engrossed.

WM. A. GWYER,
Chairman.

On motion of Mr. Warrington, the convention, at 6 p. m., adjourned until 7:30 p. m.

Evening Session.

7:30 p. m.

Convention called to order by the president.

The roll was called and there were

PRESENT

Abbott,	Dawes,
Agur,	Doom,
Becker,	Dunlap,
Boyd,	Foss,
Broady,	Griffing,
Brown,	Gwyer,
Burtch,	Hallner,
Calhoun,	Hamilton,
Carns,	Harper,
Clark,	Harrington,
Coates,	Hawley,
Conner,	Hayward,
Cummins,	Hopewell,
Hunter,	Thorne,
Laird,	Van Wyck,
Manderson,	Walther,
Matthews,	Walling,
Munger,	Warrington,
Rees,	Weaver,
Sauls,	Wilcox,
Stevenson,	Zediker,
Thompson,	Mr. President—43.

ABSENT.

Briggs,	Martin,
Eldridge,	Maxwell,
Ewan,	Peery,
Frady,	Pierce,
Garber,	Pound,
Gere,	Powers,
Grenell,	Robertson,
Henry,	Rogers,
Hinman,	Shedd,
Kendall,	Smith,
Kirkpatrick,	Sterns,
McPherson,	Vallery—24.

[Grebe omitted.—Ed.]

Mr. Conner moved that rule no. 3 be suspended for the evening; whic was agreed to.

The article on Legislative Appo tionment having been reported co rectly engrossed, was read a thi time and put upon its passage. t question being, Shall the article read be adopted?

Those voting in the affirmati were

Abbott,	Foss,
Agur,	Frady,
Becker,	Garber,
Briggs,	Griffing,
Brown,	Gwyer,
Calhoun,	Hallner,
Carns,	Hamilton,
Clark,	Harper,
Coates,	Harrington,
Conner,	Hayward,
Cummins,	Henry,
Dawes,	Hinman,
Doom,	Hopewell,
Eldridge,	Hunter,
Ewan,	Kendall,

patrick, Smith,
derson, Sterns,
hews, Stevenson,
well, Thompson,
ger, Thorne,
y, Van Wyck,
id, Warrington,
ers, Weaver,
, Wilcox,
rtson, Zediker,
s. Mr. President—52.

ting in the negative,

, Peery,
dy, Vallery,
e, Burtch—7.
ley,

eery counted in both affirmative negative.—Ed.]

sent,

ap, Pierce,
, Rogers,
ell, Shedd,
l. Walther,
in, Walling—11.
ierson,

majority of the members of the ention having voted therefor, the le was adopted and referred to ommittee on revision and adment.

e article on state, county and cipal indebtedness having been ted correctly engrossed, was a third time and put upon its ge, the question being, Shall the le as read be adopted?

ose voting in the affirmative

tt, Conner,
, Cummins,
r, Dawes,
, Doom,
s, Eldridge,
ly, Ewan,
n, Foss,
un, Frady,
, Garber,
er, Gere,
s, Grebe,
Griffing, Munger,
Gwyer, Peery,
Clark, Pound,
Hamilton, Powers,
Harper, Rees,
Harrington, Rogers,
Hawley, Sauls,
Hayward, Stevenson,
Henry, Thompson,
Hittman, Thorne,
Hopewell, Van Wyck,
Hunter, Walther,
Kendall, Weaver,
Kirkpatrick, Wilcox,
Manderson, Zediker,
Matthews, Mr. President—55.
Maxwell,

Those voting in the negative were

Burtch, Warrington—3.
Vallery,

Absent,

Dunlap, Robertson,
Grenell, Shedd,
Laird, Smith,
Martin, Sterns,
McPherson, Walling—11.
Pierce,

A majority of the members of the convention having voted therefor, the article on state, county and municipal indebtedness was adopted and referred to the committee on revision and adjustment.

The article on Miscellaneous Corporations having been reported correctly engrossed, was read a third time and put upon its passage, the question being, Shall the article as read be adopted?

Unanimous consent being given, Mr. Briggs offered the following section additional to the foregoing article, which was read the first time.

Sec. 1. Every stockholder in a banking corporation or institution shall be individually responsible and

liable to its creditors over and above the amount of stock by him held to an amount equal to his respective stock or shares so held for all its liabilities accruing while he remains such stockholder.

The rules were suspended, two-thirds of the members voting therefor, and the section was read a second time.

Mr. Boyd moved that the rules be suspended, the section read a third time, and be incorporated into the constitution.

Mr. Calhoun offered to amend the section offered by Mr. Briggs by adding the following thereto: "And all private banks shall publish quarterly statements under oath of their assets and liabilities;" which was concurred in.

The question recurring upon the original motion and article as amended, the rules were suspended, two-thirds of the members voting therefor, and the section as amended was read a third time and adopted.

Mr. Boyd moved to reconsider the vote adopting the amendment offered by Mr. Calhoun; which was agreed to.

The question being upon the adoption of the amendment, Mr. Calhoun offered the following: "And all banking corporations shall publish quarterly statements under oath of their assets and liabilities;" which was concurred in and the section as amended was concurred in.

The article on miscellaneous corporations, as amended, was read a third time and put upon its passage, the question being, Shall the artic as read be adopted?

[Those voting in the affirmati were]

Abbott,	Henry,
Agur,	Hinman,
Becker,	Hopewell,
Boyd,	Hunter,
Briggs,	Kendall,
Broady,	Kirkpatrick,
Brown,	Laird,
Burtch,	Matthews,
Calhoun,	Maxwell,
Carns,	Munger,
Coates,	Peery,
Conner,	Pierce,
Cummins,	Pound,
Dawes,	Powers,
Eldridge,	Rees,
Ewan,	Robertson,
Foss,	Rogers,
Frady,	Sauls,
Garber,	Thompson,
Gere,	Thorne,
Grebe,	Van Wyck,
Griffing,	Walther,
Gwyer,	Walling,
Hallner,	Weaver,
Hamilton,	Wilcox,
Harper,	Zediker,
Harrington,	Mr. President—3
Hawley,	

[Doom omitted.—Ed.]

[Those voting in the negati were]

Clark,	Vallery,
Hayward,	Warrington—5.
Stevenson,	

Absent,

Dunlap,	McPherson,
Grenell,	Shedd,
Manderson,	Smith,
Martin,	Sterns—8.

A majority of the members of t convention having voted theref the article was adopted and referr to the committee on revision and a justment.

Mr. Munger offered the followin

RESOLVED, That there be appointed by the president of this convention, a committee of five to prepair [prepare] and submit an address to the electors of this state on the minites [minutes] of the new constitution.

Mr. Gwyer moved that when the convention adjourn, it be until tomorrow morning at 10 o'clock.

Mr. Abbott moved, as an amendment, that when the convention adjourned, it be until 2 o'clock tomorrow afternoon; which was disagreed to.

The original motion was agreed to.

Mr. Weaver, from the committee on schedule, reported the following amendments to the article on schedule:

In 2d line of sec. 13, after [the] word year, insert "except the first general election, which shall be on first Wednesday in September, A. D., 1875."

Strike out in line 9, sec. 13, the words "after the adoption of this constitution."

Adopted.

The yeas and nays being demanded, [those voting in the affiramtive were]

Becker,	Hallner,
Broady,	Harrington,
Calhoun,	Hawley,
Carns,	Hayward,
Clark,	Henry,
Conner,	Hinman,
Cummins,	Kendall,
Dawes,	Kirkpatrick,
Doom,	Laird,
Foss,	Manderson,
Frady,	Matthews,
Garber,	Pierce,
Gere,	Pound,
Griffing,	Rees,
Sauls,	Weaver,
Rogers,	Wilcox,
Thorne,	Zediker,
Van Wyck,	Mr. President—37.
Walther,	

[Those voting in the negative were]

Abbott,	Hopewell,
Agur,	Hunter,
Boyd,	Maxwell,
Briggs,	Munger,
Brown,	Peery,
Burtch,	Powers,
Coates,	Robertson,
Eldridge,	Stevenson,
Ewan,	Thompson,
Grebe,	Vallery,
Gwyer,	Walling,
Hamilton,	Warrington—25.
Harper,	

Absent,

Dunlap,	Shedd,
Grenell,	Smith,
McPherson,	Sterns—7.
Martin,	

A majority of the members of the convention having voted therefor, the amendments were adopted.

The question being upon the article on Schedule, by consent Mr. Weaver offered the following amendment, which was concurred in.

Sec. 24, line 3: strike out the words "held after the adoption of this constitution."

The article on schedule, as amended, was adopted and ordered engrossed for a third reading.

On motion, adjourned until 10 o'clock tomorrow morning.

Twenty-seventh Day.

Lincoln, Friday, June 11, 1875.

The convention met pursuant to

adjournment and as called to order by the president.

The roll was called, and there were

PRESENT

Abbott,
Agur,
Becker,
Boyd,
Briggs,
Broady,
Brown,
Burtch,
Calhoun,
Carns,
Clark,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Eldridge,
Ewan,
Foss,
Frady,
Garber,
Gere,
Grebe,
Grenell,
Griffing,
Gwyer,
Hallner,
Hamilton,
Harper,
Harrington,
Hawley,
Hayward,
Henry,
Hinman,
Hopewell,
Hunter,
Kendall,
Kirkpatrick,
Laird,
McPherson,
Manderson,
Martin,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,
Robertson,
Rogers,
Sauls,
Shedd,
Stevenson,
Thompson,
Thorne,
Vallery,
Van Wyck,
Walther,
Walling,
Warrington,
Wilcox,
Zediker,
Mr. President—65.

ABSENT.

Dunlap,
Smith,
Sterns,
Weaver—4.

Mr. Gwyer, from the committee on engrossment and enrollment, submitted the following report:

[Report not supplied.—Ed.]

The article on seat of government was read the third time and put upon its passage, the question being, Shall the article as read be adopted?

[Those voting in the affirmative were]

Agur,
Briggs,
Broady,
Carns,
Clark,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Ewan,
Foss,
Garber,
Gere,
Gwyer,
Hamilton,
Harrington,
Hawley,
Henry,
Hopewell,
Kirkpatrick,
Laird,
McPherson,
Manderson,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Rees,
Rogers,
Shedd,
Thompson,
Thorne,
Vallery,
Van Wyck,
Walther,
Wilcox,
Zediker,
Mr. President—41

[Those voting in the negative were]

Abbott,
Becker,
Boyd,
Brown,
Burtch,
Eldridge,
Frady,
Grebe,
Grenell,
Griffing,
Harper,
Hinman,
Hunter,
Kendall,
Powers,
Robertson,
Sauls,
Stevenson,
Walling,
Warrington—20.

Absent,

Calhoun,
Dunlap,
Hallner,
Hayward,
Martin,
Smith,
Sterns,
Weaver—8.

A majority of the members of the convention having voted therefor, the article was adopted and referred to the committee on revision and adjustment.

Mr. Manderson moved that the rules be suspended and the artic

d Schedule be recommitted to mmittee on schedule.

he yeas and nays being de-d. [those voting in the affirm-vere]

Kirkpatrick,
Laird,
Manderson,
Matthews,
Peery,
Pierce,
Pound,
Rees,
Rogers,
Shedd,
Thorne,
Van Wyck,
Walther,
Wilcox,
Zediker,
Mr. President—34.

ose voting in the negative

Hinman,
Hunter,
Kendall,
McPherson,
Maxwell,
Munger,
Powers,
Robertson,
Sauls,
Stevenson,
Thompson,
Vallery,
Walling,
Warrington—27.

e in excess belongs to the itive.—Ed.]

ent,

Martin,
Smith,
Sterns,
Weaver—8.

o-thirds of the members not therefor, the motion to sus-he rules was lost.

reupon the article entitled schedule was read a third time and put upon its passage, the question being: Shall the article as read be adopted?

[Those voting in the affirmative were]

Abbott,
Agur,
Becker,
Boyd,
Broady,
Brown,
Burtch,
Carns,
Clark,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Ewan,
Foss,
Frady,
Gere,
Grebe,
Grenell,
Gwyer,
Hallner,
Hamilton,
Harper,
Harrington,
Hawley,
Henry,
Hinman,
Hopewell,
Hunter,
Kendall,
Kirkpatrick,
Laird,
McPherson,
Manderson,
Pierce,
Pound,
Rees,
Robertson,
Rogers,
Sauls,
Shedd,
Thorne,
Vallery,
Van Wyck,
Walther,
Warrington,
Wilcox,
Zediker,
Mr. President—50.

[Those voting in the negative were]

Maxwell,
Peery,
Powers,
Thompson,
Walling—5.

Absent,

Briggs,
Calhoun,
Dunlap,
Eldridge,
Garber,
Griffing,
Hayward,
Martin,
Matthews,
Munger,
Smith,
Sterns,
Stevenson,
Weaver—14.

A majority of the members present having voted therefor, the article was adopted and referred to the committee on revision and adjustment.

Mr. Gere, from the committee on

miscellaneous subjects, submitted the following:

Mr. President, your committee on miscellaneous provisions, to whom was referred section 5 of the article heretofore submitted by them with instructions to report it back on an article for separate submission, beg leave to report the same in accordance with such instructions.

The article was read a third time and put its passage, the question being, Shall the article as read be adopted?

Affirmative,

Agur,	Hawley,
Becker,	Hopewell,
Broady,	Maxwell,
Brown,	McPherson,
Carns,	Peery,
Clark,	Pierce,
Coates,	Pound,
Conner,	Powers,
Cummins,	Rogers,
Dawes,	Sauls,
Doom,	Shedd,
Eldridge,	Thompson,
Ewan,	Thorne,
Foss,	Vallery,
Gere,	Van Wyck,
Griffing,	Walther,
Hallner,	Walling,
Hamilton,	Wilcox,
Harrington,	Zediker—38.

[Those voting in the negative were]

Boyd,	Hunter,
Burtch,	Kendall,
Frady,	Laird,
Garber,	Manderson,
Grenell,	Rees,
Gwyer,	Robertson,
Harper,	Warrington,
Henry,	Mr. President—17.
Hinman,	

Excused, Kirkpatrick.

Absent,

Abbott,	Matthews,
Briggs,	Munger,
Calhoun,	Smith,
Dunlap,	Sterns,
Grabe,	Stevenson,
Hayward,	Weaver—13.
Martin,	

A majority of the members of convention having voted there the article was adopted and refer to the committee on revision adjustment.

Mr. Van Wyck, from the c mittee on revision and adjustm submitted the following report:

State of Nebraska,
Constitutional Conventi
June 10, 1

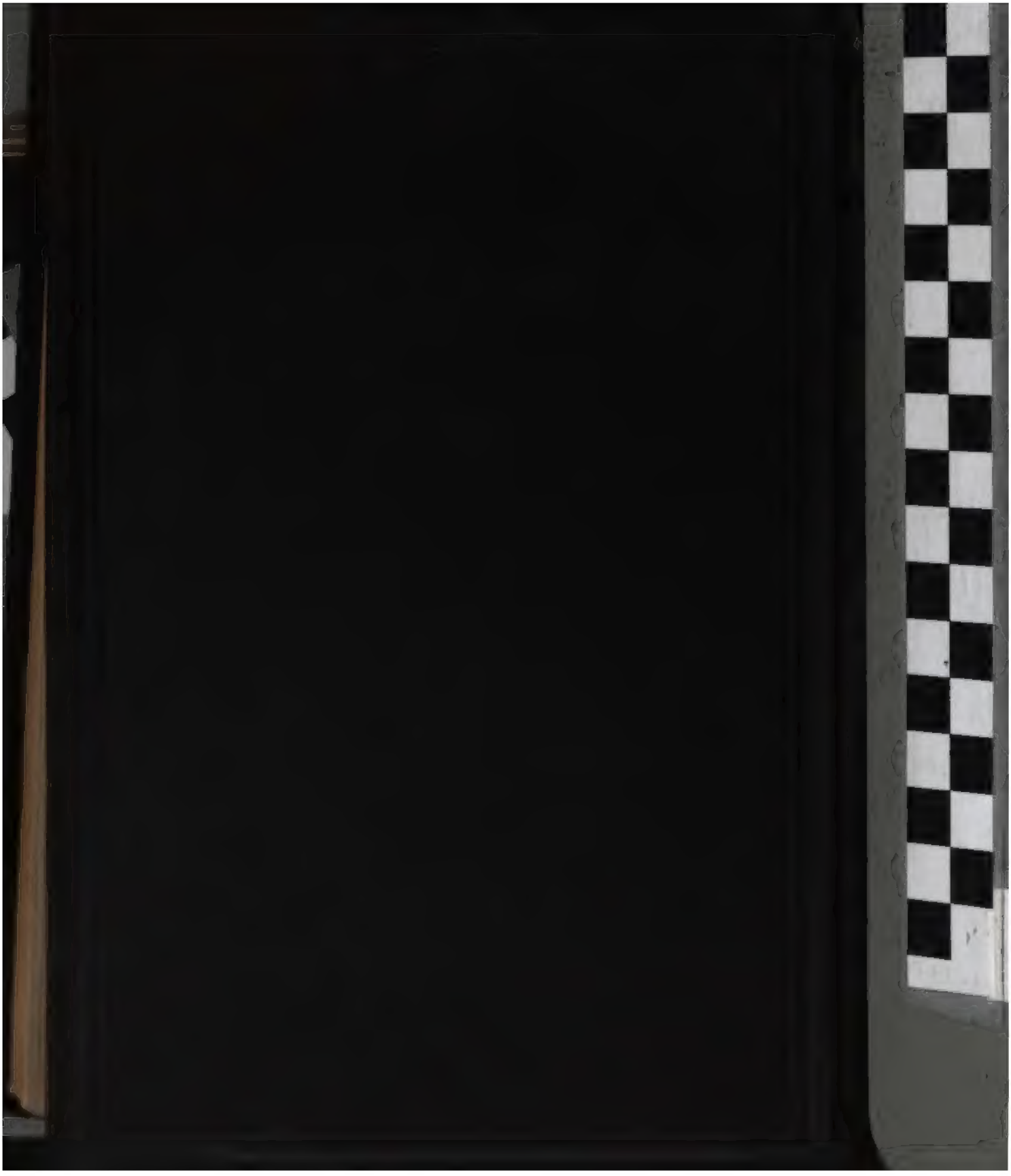
The committee on revision and justment would respectfully re report that they have examined

First. The article on revenue finance, and recommend that se be stricken out.

Second. The article [on] Mi laneous Provisions, and recomm that sec. 2 be stricken out and following inserted in lieu the "Any person who is in default as lector or custodian of public m or property shall not be elegibl any office of trust or profit under constitution or laws of this state. shall any person convicted of fe be eligible to office unless he s have been restored to civil rig

Add to section 1 "Unless he s have been restored to civil rights

Tha section 3 be stricken out the following inserted. "I drunkenness shall be cause of peachment and removal from off

Third. The article on legisla apportionment, and recommend the words 'of this state" be stric out in senate district no. 12. representative district[s] 3 and

Fourth. The article on St